

FEDERAL REGISTER

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Washington, Saturday, February 11, 1950

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10108

DESIGNATING THE UNITED STATES MISSION TO THE UNITED NATIONS AND PROVIDING FOR ITS DIRECTION AND ADMINISTRATION

By virtue of the authority vested in me by the United Nations Participation Act of 1945 (59 Stat. 619), as amended by the act of October 10, 1949, 63 Stat. 734, and as President of the United States, it is hereby ordered as follows:

1. The Representative of the United States to the United Nations, the Deputy Representative of the United States to the United Nations, the Deputy Representative of the United States to the Security Council of the United Nations, representatives of the United States in the Economic and Social Council of the United Nations and its Commissions, representatives of the United States in the Trusteeship Council, the Atomic Energy Commission, the Commission for Conventional Armaments, and the Military Staff Committee of the United Nations, and representatives to organs and agencies of the United Nations appointed or designated and included within the United States Mission to the United Nations as herein designated, together with their deputies, staffs, and offices,—shall constitute and be known as the United States Mission to the United Nations.

2. The Representative of the United States to the United Nations shall be the Chief of Mission in charge of the United States Mission to the United Nations. The Chief of Mission shall coordinate at the seat of the United Nations the activities of the Mission in carrying out the instructions of the President transmitted either by the Secretary of State or by other means of transmission as directed by the President. Instructions to the representatives of the United States Joint Chiefs of Staff in the Military Staff Committee of the United Nations shall be transmitted by the Joint Chiefs of Staff. On request of the Chief of Mission, such representatives shall, in addition to their responsibilities under the Charter of the United Nations, serve as advisers in the United States Mission to the United Nations.

3. The Chief of Mission shall be responsible for the administration of the Mission, including personnel, budget, obligation and expenditure of funds, and

the central administrative services; provided that he shall not be responsible for the internal administration of the personnel, budget, and obligation and expenditure of funds of the representatives of the United States Joint Chiefs of Staff in the Military Staff Committee of the United Nations. The Chief of Mission shall discharge his responsibilities under this paragraph in accordance with such rules and regulations as the Secretary of State may from time to time prescribe.

4. The Deputy Representative of the United States to the United Nations shall be the Deputy Chief of Mission, who shall act as Chief of Mission in the absence of the Representative of the United States to the United Nations.

5. This order supersedes Executive Order No. 9844 of April 28, 1947, entitled "Designating the United States Mission to the United Nations and Providing for Its Direction and Administration."

HARRY S. TRUMAN

THE WHITE HOUSE,
February 9, 1950.

[P. R. Doc. 50-1265; Filed, Feb. 9, 1950;
4:57 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[Quarantine No. 38]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—BLACK STEM RUST

BLACK STEM RUST QUARANTINE

On October 18, 1949, there was published in the FEDERAL REGISTER (14 P. R. 6334), a notice of proposed rule making to amend certain regulations supplemental to Notice of Quarantine No. 38 relating to the black stem rust (7 CFR § 301.38-1, et seq.; 14 P. R. 999). Supplementing the amendments proposed in the notice, it is necessary to amend § 301.38-1 by rephrasing subparagraph (j) and adding a subparagraph (k) thereto to conform with the other amended regulations. After due consideration of all relevant matters presented, including the proposals set forth

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FEDERAL REGISTER

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in the notice, and pursuant to the authority conferred upon me by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), §§ 301.38-1 (j), 301.38-6, 301.38-7, 301.38-8, and 301.38-9 are hereby amended and § 301.38-1 (k) is added to read as follows:

§ 301.38-1 *Definitions.* * * *

(j) *Permit.* An official document for attachment to the outside of a container of seeds or fruits of barberry, mahonia, or mahoberberis, authorizing the interstate movement of such articles.

(k) *Certificate of inspection.* An official document certifying to the eligibility for interstate movement of regulated products from a nursery inspected in accordance with the provisions of § 301.38-7.

§ 301.38-6 *Conditions of movement—*

(a) *Barberry, mahonia, and mahoberberis plants.* (1) Movement is prohibited of barberry, mahonia, and mahoberberis plants, other than those designated as rust-resistant, except that parts of mahonia plants without roots intended for decorative purposes are hereby exempted from the requirements of the regulations in this subpart. Movement is also prohibited of rust-resistant barberry and mahoberberis plants of less than two seasons' growth.

(2) Nurseries to which certificates of inspection have been issued are authorized to move rust-resistant plants in compliance with the regulations in this subpart.

(3) Dealers who agree to handle for sale or distribution only rust-resistant plants obtained from nurseries which, at the time the plants are delivered to them, possess valid certificates of inspection may be authorized in writing to move such plants in compliance with the regulations in this subpart. Such dealers may also be authorized to move such plants when secured from other authorized dealers.

(b) *Barberry, mahonia, and mahoberberis seeds and fruits.* (1) Movement of seeds and fruits of barberry, mahonia, and mahoberberis plants into the eradication States is prohibited from any point outside thereof.

(2) Seeds and fruits of barberry, mahonia, and mahoberberis plants may be moved between the eradication States, provided they are obtained from rust-resistant plants for which a current, valid certificate of inspection has been issued and provided they are accompanied by permits issued in compliance with the regulations in this part. The movement of barberry, mahonia, and mahoberberis seeds and fruits from the eradication States to points outside thereof is no longer regulated.

(3) Seeds and fruits of barberry, mahonia, and mahoberberis plants may be moved between States other than the eradication States without regulation. Plants produced from such seeds may be moved only in compliance with the regulations in this subpart, and growers should recognize this in selecting seed sources.

§ 301.38-7 *Conditions governing issuance of certificates of inspection, permits,*

and authorizations for movement of regulated products—(a) *Barberry, mahonia, and mahoberberis plants.* Certificates of inspection will be issued to nurserymen after determination by an inspector that no barberry, mahonia, or mahoberberis plants other than those that are rust-resistant are growing in the nursery or in the environs thereof. If barberry, mahonia, or mahoberberis plants not designated as rust-resistant are found in the nursery or in the environs thereof, certificates of inspection will be withheld until such plants have been eliminated to the satisfaction of the inspector, except that certificates of inspection may be issued to nurseries having in the nursery or environs thereof varieties of barberry, mahonia, or mahoberberis plants being held by the nurserymen under agreement with the Bureau of Entomology and Plant Quarantine pending the outcome of studies by that Bureau to determine whether they are rust-resistant. Plants so held must, in the inspector's judgment, be adequately segregated from rust-resistant plants eligible for movement and must not be propagated or moved interstate until they have been designated as rust-resistant.

(b) *Barberry, mahonia, and mahoberberis seeds and fruits.* Certificates of inspection covering plants to be used as sources of seeds or fruits for movement between the eradication States and permits to accompany shipments of seeds and fruits from such sources, may be issued after an inspector has made an inspection of such plants and determined that they are rust-resistant and are growing in nurseries or locations which with their environs are free of plants which are not rust-resistant.

(c) *Applications for inspection and permits.* (1) Applications for nursery and seed-source inspection and permits should be made to the Bureau of Entomology and Plant Quarantine, Washington 25, D. C., before May 15 annually, to permit time for inspection during the current growing season.

(2) Except under the special conditions contained in paragraph (a) of this section, a nurseryman who applies for inspection shall agree that, if issued a certificate of inspection, any barberry, mahonia, or mahoberberis plants he may bring into or maintain in his nursery, or distribute will be rust-resistant plants.

(3) Dealers who apply for authorization to move rust-resistant plants shall agree that they will move only such barberry, mahonia, or mahoberberis plants as are designated by the Chief of the Bureau of Entomology and Plant Quarantine as rust-resistant and are obtained from authorized dealers or from nurserymen having currently valid certificates of inspection. Such dealers shall maintain for two shipping seasons complete records of purchases and sales of such plants, and such records shall be available for examination by an inspector at any reasonable time.

(4) Applicants for inspection of plants to be used as sources of seeds and fruits to be moved between the eradication States and for permits to accompany such shipments shall agree that they will obtain their seeds and fruits only from rust-resistant plants growing within the

eradication States in locations determined by the inspector as free of plants which are not rust-resistant. The applicant shall state the locations of sources from which such seeds or fruits are to be obtained.

(d) *Identification of species.* Applicants for certificates of inspection, permits, and authorizations for movement of regulated products shall furnish the inspector with such specimens or other evidence as he may require, and the inspector may make such inspections as he shall deem necessary in order to identify the species, horticultural varieties, or hybrids of barberry, mahonia, or mahoberberis grown or moved.

§ 301.38-8 *Suspension and cancellation of certificates of inspection, permits, and authorizations to move regulated products.* The use of certificates of inspection, permits, and authorizations to move regulated products under the regulations in this subpart may be suspended for a period not to exceed 10 days, upon written notice by the inspector, either for any failure of compliance with the provisions of the regulations in this subpart or violations of them. Coincident with issuing notice of suspension the inspector shall inform the authorized dealer or holder of permits or certificate of inspection of the reason for suspending use and shall advise him what action he may take to achieve compliance. If, during the 10-day period, such dealer or holder has achieved compliance, the suspension will be revoked. If, after a period of 10 days, the dealer or holder has not taken action satisfactory to the inspector to achieve compliance, further use of such authorization, permits, or certificate may be cancelled upon written notice by the inspector.

§ 301.38-9 *Labeling shipments and use of permits.* Each shipment of plants, seeds, or fruits, the movement of which is regulated by the regulations in this subpart, shall be plainly marked with the name and address of the consignor, and each package, bundle, or other unit of plants, seeds, or fruits contained in such shipment shall be plainly labeled as to the species or horticultural variety thereof. In addition, each shipment of seeds or fruits for which a permit is required by these regulations shall bear, securely attached to the outside thereof, a valid permit issued in compliance with the regulations in this part.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

These amendments shall be effective February 11th, 1950.

The purposes of these amendments are as follows: to eliminate the requirement for the attachment of a permit to each interstate shipment of regulated plants, thus saving work and expense on the part of nurseries authorized to make such shipments; and to provide authorization for nurseries to ship rust-resistant barberry, mahonia, and mahoberberis plants while holding on their premises under agreement varieties of plants pending the outcome of studies by the Bureau of Entomology and Plant Quarantine to determine whether they are rust-resistant. All of the changes made

are for the purpose of relieving restrictions heretofore imposed. Accordingly the amendment is within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) and may properly be made effective less than 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 7th day of February 1950. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 50-1158; Filed, Feb. 10, 1950;
8:55 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Tangerine Reg. 94]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.473 *Tangerine Regulation 94—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than February 13, 1950. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 31, 1949, and will so continue until February 13, 1950; the recommendation and supporting information for continued regulation subsequent to February 12 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 7; such meeting was held to consider recommendations for regulation, after

giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 13, 1950, and ending at 12:01 a. m., e. s. t., February 20, 1950, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Bronze; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than a size that will pack a 210 pack of tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2} \times 9\frac{1}{2} \times 19\frac{1}{8}$ inches; capacity 1,726 cubic inches) except that the minimum size of such tangerines shall be $2\frac{3}{16}$ inches with a total tolerance for variations incident to proper sizing of 20 percent, by count, of tangerines that are smaller than $2\frac{3}{16}$ inches in diameter of which not more than one-half, or a total of 10 percent by count of the tangerines, are smaller than $2\frac{3}{16}$ inches in diameter.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Bronze," "diameter," "210 pack," and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 9th day of February 1950.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-1246; Filed, Feb. 10, 1950;
8:57 a. m.]

[Orange Reg. 314]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.460 *Orange Regulation 314—(a) Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7

U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on February 9, 1950; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 12, 1950, and ending at 12:01 a. m., P. s. t., February 19, 1950, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: Unlimited movement;

(c) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: Unlimited movement;

(b) Prorate District No. 2: 975 carloads;

(c) Prorate District No. 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the pro-

rate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 66.107 of the current rules and regulations (14 F. R. 6588) contained in this part.

(Sec. 5, 49 Stat. 753; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 10th day of February 1950.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. February 12, 1950 to 12:01 a. m. February 17, 1950]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.5742
A. F. G. Corona	.0727
A. F. G. Fullerton	.0351
A. F. G. Orange	.0336
A. F. G. Riverside	.6364
A. F. G. Santa Paula	.0381
Eadington Fruit Co.	.4162
Hazeltine Packing Co.	.1582
Placencia Pioneer Valencia Growers Association	.0693
Signal Fruit Association	1.0955
Azusa Citrus Association	1.0835
Damerel-Allison Co.	1.0366
Glendora Mutual Orange Association	.4678
Puente Mutual Citrus Association	.0392
Valencia Heights Orchard Association	.1906
Covina Citrus Association	1.3167
Covina Orange Growers Association	.4590
Glendora Citrus Association	.9526
Gold Buckle Association	3.6897
La Verne Orange Association	3.3922
Anaheim Citrus Fruit Association	.0518
Anaheim Valencia Orange Association	.0146
Fullerton Mutual Orange Association	.2200
La Habra Citrus Association	.0965
Orange County Valencia Association	.0121
Orangethorpe Citrus Association	.0198
Yorba Linda Citrus Association, The	.0197
Escondido Orange Association	.4441
Alta Loma Heights Citrus Association	.3226
Citrus Fruit Growers	.8628
Cucamonga Citrus Association	.3410
Etowanda Citrus Fruit Association	.1998
Mountain View Fruit Association	.1181
Old Baldy Citrus Association	.3741
Rialto Heights Orange Growers	.5358
Upland Citrus Association	2.3438
Upland Heights Orange Association	1.1867
Consolidated Orange Growers	.0247
Frances Citrus Association	.0033
Garden Grove Citrus Association	.0306
Goldenwest Citrus Association	.0969

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Olive Heights Citrus Association	0.386
Santa Ana-Tustin Mutual Citrus Association	.0129
Santiago Orange Growers Association	.1067
Tustin Hills Citrus Association	.0175
Villa Park Orchard Association, The	.0234
Bradford Bros., Inc.	.2301
Placencia Cooperative Orange Association	.0161
Placencia Mutual Orange Association	.1618
Placencia Orange Growers Association	.1886
Yorba Orange Growers Association	.0385
Call Ranch	.5269
Corona Citrus Association	.9384
Jameson Co.	.3800
Orange Heights Orange Association	1.6746
Crafton Orange Growers Association	1.6345
East Highlands Citrus Association	.4489
Fontana Citrus Association	.4525
Redlands Heights Groves	.9913
Redlands Orangedale Association	1.1177
Break & Son, Allen	.2477
Bryn Mawr Fruit Growers Association	1.0689
Mission Citrus Association	.9731
Redlands Cooperative Fruit Association	1.7883
Redlands Orange Growers Association	1.1809
Redlands Select Groves	.4663
Rialto Citrus Association	.5644
Rialto Orange Co.	.3856
Southern Citrus Association	1.0877
United Citrus Growers	.6751
Zilen Citrus Co.	.4248
Andrews Bros. of California	.2542
Arlington Heights Citrus Co.	1.0347
Brown Estate, L. V. W.	1.7803
Gavilan Citrus Association	1.9142
Highgrove Fruit Association	.6143
Krinard Packing Co.	1.6538
McDermott Fruit Co.	1.6868
Monte Vista Citrus Association	1.4029
National Orange Co.	.8811
Riverside Heights Orange Growers Association	1.1308
Sierra Vista Packing Association	.8263
Victoria Avenue Citrus Association	2.6203
Claremont Citrus Association	.9602
College Heights Orange and Lemon Association	1.8142
Indian Hill Citrus Association	1.1960
Pomona Fruit Growers Exchange	1.7754
Walnut Fruit Growers Association	.4551
West Ontario Citrus Association	1.2085
El Cajon Valley Citrus Association	.2332
Escondido Cooperative Citrus Association	.0744
San Dimas Orange Growers Association	1.0822
Canoga Citrus Association	.0975
Covina Valley Orange Co.	.0293
North Whittier Heights Citrus Association	.1441
San Fernando Fruit Growers Association	.3890
San Fernando Heights Orange Association	.2280
Sierra Madre-Lamanda Citrus Association	.1920
Camarillo Citrus Association	.0090
Fillmore Citrus Association	.9862
Ojai Orange Association	.7987
Piru Citrus Association	.9559
Rancho Sespe	.0017

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Santa Paula Orange Association	0.0336
Tapo Citrus Association	.0078
Ventura County Citrus Association	.0244
East Whittier Citrus Association	.0084
Whittier Citrus Association	.1435
Whittier Select Citrus Association	.0000
Anaheim Cooperative Orange Association	.0391
Bryn Mawr Mutual Orange Association	.5276
Chula Vista Mutual Lemon Association	.0930
Euclid Avenue Orange Association	2.8141
Foothill Citrus Union, Inc.	.2495
Fullerton Cooperative Orange Association	.0109
Golden Orange Groves, Inc.	.2610
Highland Mutual Groves, Inc.	.2815
Index Mutual Association	.0040
La Verne Cooperative Citrus Association	3.0768
Mentone Heights Association	.6059
Olive Hillside Groves	.0064
Orange Cooperative Citrus Association	.0341
Redlands Foothill Groves	2.8556
Redlands Mutual Orange Association	1.1446
Ventura County Orange and Lemon Association	.2058
Whittier Mutual Orange and Lemon Association	.0216
Allec Bros.	.0036
Babijuce Corp. of California	.4666
Borden Fruit Co.	.0378
Cherokee Citrus Co., Inc.	1.2608
Chess Company, Meyer W.	.4958
Dunning Ranch	.1389
Evans Brothers Packing Co.	1.1506
Gold Banner Association	2.2657
Granada Hills Packing Co.	.0197
Granada Packing House	1.1638
Hill, Fred A., Packing House	.7752
Knapp Produce Co., Inc.	.0167
Orange Belt Fruit Distributors	1.9847
Panno Fruit Co., Carlo	.0965
Paramount Citrus Association	.2021
Placencia Orchard Co.	.0776
Riverside Citrus Association	.2368
Russel, John W.	.0008
San Antonio Orchard Co.	1.3970
Snyder & Sons Co., W. A.	.3820
Stephens, T. F.	.1167
Torn Ranch	.0195
Wall, E. T., Growers-Shippers	1.8564
Western Fruit Growers, Inc.	3.8876

[F. R. Doc. 50-1273; Filed, Feb. 10, 1950; 11:31 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 517—FRUITS AND BERRIES, FRESH

TERMS AND CONDITIONS OF FRESH WINTER PEAR EXPORT PROGRAM; TERMINATION

Correction

In Federal Register Document 50-1121, appearing on page 701 of the issue for Thursday, February 9, 1950, the designation "§ 517.124" should be deleted.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7]

PART 3—AIRPLANE AIRWORTHINESS;
NORMAL, UTILITY, ACROBATIC, AND
RESTRICTED-PURPOSE CATEGORIESSPECIAL AIRCRAFT TURNBUCKLE ASSEMBLIES
AND/OR TURNBUCKLE SAFETYING DEVICES

Under sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, (1) the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce, and (2) the Administrator of Civil Aeronautics is empowered to make and amend such general or special rules, regulations, and procedure as he deems necessary to exercise and perform his powers and duties under the act. Under §§ 3.31 and 3.345 of the Civil Air Regulations the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to approve and publish specifications for turnbuckle assemblies and safetying devices.

Acting pursuant to the foregoing authority, the following rules are adopted. They are made effective without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Section 3.345-2 is added to read:

§ 3.345-2 *Special aircraft turnbuckle assemblies and/or turnbuckle safetying devices* (CAA rules which apply to § 3.345). See § 4b.367-1 of this subchapter.

(Sec. 205, 52 Stat. 984, as amended by Reorg. Plan IV of 1940, 5 F. R. 2421, 3 CFR, Cum. Supp., 54 Stat. 1234; 49 U. S. C. 425, 5 U. S. C. 133t. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] DONALD W. NYROP,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 50-1210; Filed, Feb. 10, 1950;
8:55 a. m.]

[Supp. 6]

PART 4a—AIRPLANE AIRWORTHINESS

SPECIAL AIRCRAFT TURNBUCKLE ASSEMBLIES
AND/OR TURNBUCKLE SAFETYING DEVICES

Under sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, (1) the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce, and (2) the Administrator of Civil Aeronautics is empowered

to make and amend such general or special rules, regulations, and procedure as he deems necessary to exercise and perform his powers and duties under the act. Under §§ 4a.31 and 4a.301 of the Civil Air Regulations the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to approve and publish specifications for turnbuckle assemblies and safetying devices.

Acting pursuant to the foregoing authority, the following rules are adopted. They are made effective without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Section 4a.301-2 is added to read:

§ 4a.301-2 *Special aircraft turnbuckle assemblies and/or turnbuckle safetying devices* (CAA rules which apply to § 4a.301). See § 4b.367-1 of this subchapter.

(Sec. 205, 52 Stat. 984, as amended by Reorg. Plan IV of 1940, 5 F. R. 2421, 3 CFR, Cum. Supp., 54 Stat. 1234; 49 U. S. C. 425, 5 U. S. C. 133t. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] DONALD W. NYROP,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 50-1211; Filed, Feb. 10, 1950;
8:55 a. m.]

[Supp. 10]

PART 4b—AIRPLANE AIRWORTHINESS;
TRANSPORT CATEGORIESSPECIAL AIRCRAFT TURNBUCKLE ASSEMBLIES
AND/OR TURNBUCKLE SAFETYING DEVICES;
PORTABLE WATER-SOLUTION TYPE FIRE
EXTINGUISHERS

Under sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, (1) the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce, and (2) the Administrator of Civil Aeronautics is empowered to make and amend such general or special rules, regulations, and procedure as he deems necessary to exercise and perform his powers and duties under the act. Under §§ 4b.41, 4b.367, and 4b.448 of the Civil Air Regulations, the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to approve and publish specifications for turnbuckle assemblies and safetying devices, and for fire extinguishers.

Acting pursuant to the foregoing authority, the following rules are adopted. They are made effective without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

1. Section 4b.367-1 is added to read:

§ 4b.367-1 *Technical Standard Order TSO-C21: "Special Aircraft Turnbuckle Assemblies and/or Turnbuckle Safetying Devices"* (CAA rules which apply to § 4b.367).—(a) *Introduction.* (1) Under section 601 of the Civil Aeronautics Act of 1938, as amended, and §§ 3.31, 3.345, 4a.31, 4a.301, 4b.41, 4b.367, 6.6, and 6.30 of the Civil Air Regulations issued pursuant thereto, the Administrator of Civil Aeronautics is authorized to adopt standards for special turnbuckle assemblies and/or safetying devices intended for use in civil aircraft. In adopting these standards, consideration has been given to existing Government and industry specifications for special turnbuckle assemblies and/or safetying devices.

(2) This Technical Standard Order is intended to serve as a criterion by which the product manufacturer may obtain Civil Aeronautics Administration approval of his special aircraft turnbuckle assemblies and/or turnbuckle safetying devices. These requirements for special turnbuckle assemblies do not affect the present policy under which turnbuckle assemblies conforming with existing standards (such as Army, Navy, NAS specifications) are acceptable for use in civil aircraft when appropriate for the purpose intended. Aircraft manufacturers may also obtain approval of special turnbuckles as part of their aircraft design and should include the special turnbuckle on the Aircraft drawings. Such approval will be recognized by all Civil Aeronautics Administration representatives.

(b) *Directive.*—(1) *Provision.* (1) The performance requirements for special turnbuckle assemblies and/or safetying devices, as set forth in Sections C, D, E, and F of Army-Navy Aeronautical Specifications AN-T-19,¹ together with the additional tests set forth below when applicable, are hereby established as minimum safety performance standards for special turnbuckle assemblies and/or safetying devices intended for use in civil aircraft.

A. *Applicable specifications.* A-1. The following specifications of the issue in effect on date of invitation for bids shall form a part of this specification:

A-1a. Army-Navy Aeronautical Specifications:

- AN-QQ-B-646—Brass, Rolled; Bar-and-Rod (for Turnbuckle Barrels)
- AN-C-52—Compound; Exterior-Surface Corrosion Preventive
- AN-P-13—Preservation and Packaging; Parts and Equipment (General Specification For)
- AN-P-32—Plating; Zinc
- AN-P-61—Plating; Cadmium
- AN-P-72—Plywood; Container
- AN-S-14—Steel; Chrome-Nickel-Molybdenum (8830) Bar and Rod
- AN-QQ-S-684—Steel; Chrome-Molybdenum (X4130) Bar-and-Rod
- AN-QQ-S-771—Steel; Corrosion-Resisting (18 Cr-8 Ni), Bars and Rods
- AN-T-15—Tubing; (27 to 33 Carbon) Chrome-Nickel-Molybdenum Steel seamless

¹ Copies may be obtained from the Air Materiel Command, Wright-Patterson Air Force Base, Dayton, Ohio, or from the Naval Aircraft Modification Unit, Johnsville, Pa.

- AN-WW-T-850—Tubing; Steel Chrome-Molybdenum (X4130) Seamless
 AN-T-70—Tubing; Brass Seamless
 A-1b. Joint Army-Navy Specifications:
 JAN-P-105—Packaging and Packing for Overseas Shipment; Boxes, Wood, Cleated, Plywood
 JAN-P-106—Packaging and Packing for Overseas Shipment; Boxes; Wood, Nailed
 JAN-P-120—Packaging and Packing for Overseas Shipment, Cartons, Folding, Paperboard
 JAN-P-125—Packaging and Packing for Overseas Shipment, Barrier Materials, Waterproof; Flexible
 JAN-P-133—Packaging and Packing for Overseas Shipment, Boxes, Set-Up, Paperboard
 A-1c. Federal Specifications:
 QQ-M-151—Metals; General Specification for Inspection of
 A-1d. Other Government Specification:
 100-14:39P16—Packaging and Packing for Overseas Shipment, Army-Navy General Specification For
 A-1e. Army-Navy Aeronautical Standard Drawings:
 AN155—Barrel, Turnbuckle
 AN161—Fork, Turnbuckle
 AN165—Eye, Turnbuckle (For Pin)
 AN170—Eye, Turnbuckle (For Cable)

A-2. Special requirements of the individual Departments of the Government are noted under section H.

B. Types. B-1. This specification covers turnbuckle assemblies and component parts identified by the type designations and part numbers shown on the applicable AN Standard Drawings.

C. Material and workmanship. C-1. Materials. Materials not specifically designated herein shall be of the best quality, of the lightest practicable weight, and entirely suitable for the purpose intended. Materials used shall be of aircraft quality, free from flaws and other injurious defects.

C-2. Workmanship. Shall conform to high grade aircraft practice. The finished surfaces shall be smooth and free from pronounced tool marks.

D. General requirements. D-1. Finishes and Coatings:

D-1a. Finish; corrosion-resisting steel turnbuckle ends. Fork and eye turnbuckle ends made of corrosion-resisting steel, shall be ground or polished to a bright finish on all external surfaces, except threaded ones. These parts shall be passivated by either of the following processes (preferably of Hot process) after the removal of all oil or grease.

D-1a (1). Hot process. Submerge the parts in a solution containing four parts water to one part commercial nitric acid, specific gravity 1.389 to 1.408 at 52 to 57° C. (125 to 135° F.), for 20 to 40 minutes.

D-1a (2). Cold process. Submerge the parts in a solution containing one part water to one part commercial nitric acid, specific gravity 1.389 to 1.408 at approximately 21° C. (70° F.), for one to two hours.

D-1a (3). Washing. All parts shall be thoroughly washed in water and dried after passivation.

D-2. Plating. Carbon and low alloy steel turnbuckle ends and barrels, including the external threaded portion, shall be cadmium plated in accordance with Specification AN-P-61, or zinc plated in accordance with Specification AN-P-32. The bore of the steel turnbuckle barrels shall be coated with corrosion-preventive compound, Type I, Specification AN-C-52. Corrosion-resisting steel parts shall not be plated.

E. Detail requirements. E-1. Construction. The construction of turnbuckles and component parts shall be as specified on the applicable drawings.

E-1a. Fork and eye turnbuckle ends. Any carbon or low alloy steel in which the sulphur content does not exceed 0.050 percent and the phosphorus content does not exceed

0.040 percent may be used for fork and eye turnbuckle ends provided the finished parts meet the physical requirements specified. Ends not made from heat treated material shall be heat treated to give physical properties specified on the applicable drawings.

E-1a (1). Corrosion resisting steel parts shall be made from material conforming to Specification AN-QQ-S-771. Fork and eye turnbuckle ends preferably shall be forged and/or machined from cold rolled or cold drawn steel.

E-1b. Turnbuckle barrels. Shall be machined from rolled brass conforming to Specification AN-QQ-B-646 or from steel conforming to Specification AN-S-14 or AN-QQ-S-684, or may be swaged from seamless brass tubing conforming to Specification AN-T-70 or from seamless steel tubing conforming to Specifications AN-T-15 or AN-WW-T-850 except that tensile strength may be 75,000 p. s. i. minimum. Turnbuckle barrels shall not be made of corrosion-resisting steel.

E-1b (1). Internal strain. Finished brass turnbuckle barrels fabricated by the swaging process shall withstand the tests specified in section F without showing surface cracks.

E-2. Breaking strength. Breaking strength of turnbuckle assemblies and component parts after plating shall be not less than the values specified on the applicable drawings.

E-3. Bending. Turnbuckle ends shall withstand bending through an angle of 90 degrees without failing or cracking.

E-4. Torsion. Two piece turnbuckle forks shall withstand the torsion loads specified in Table I applied clockwise and counter-clockwise, without relative movement in the union between yoke and shank. Test shall be made in accordance with section F.

TABLE I—TORSION TEST LOADS

Size	Torque (in lbs.)
AN-161-8	12
AN-161-16	34
AN-161-22	54
AN-161-32	116
AN-161-46	138
AN-161-61	246
AN-161-80	411
AN-161-125	700
AN-161-175	1110

E-5. Distortion. The permanent increase in overall length, resulting from the application for 5 seconds of a proof load of 60 percent of the "Minimum Allowable Breaking Strength" as specified on the applicable AN Standard Drawings, shall not exceed 0.001 inch per inch in the direction of application of load.

E-6. Interchangeability. All component parts be interchangeable with corresponding parts furnished by the same contractor or by different contractors. Mating of component parts shall provide for proper and efficient functioning of the equipment without necessity for selective fits.

F. Methods of sampling, inspection, and tests. F-1. General:

F-1. General:

F-1a. When inspection is conducted at the contractor's plant, all tests specified herein under Testing shall be accomplished by the contractor under the supervision of the Government Inspector.

F-1b. Contractors not having laboratory facilities shall engage the services of a commercial testing laboratory satisfactory to the Inspector.

F-1c. Acceptance or approval of material during course of manufacture in no case shall be construed as a guarantee of the acceptance of the finished product.

F-2. Reports of test. The contractor shall maintain a record available to the Inspector, of the quantitative results of all inspection tests required by this specification. Upon request, copies of the test results shall be furnished the Inspector.

F-3. Examination of product. Each turnbuckle or component part shall be carefully examined to determine conformance with the requirements of this specification with respect to Materials, Workmanship, Design, and Construction. Each turnbuckle end shall be carefully examined for seams, fine cracks, or other defects after machining and before plating.

F-4. Sampling. A sufficient number of turnbuckles, or component parts, to insure uniformity and conformity to the specified requirements shall be selected at random from each lot for test. In small lots, at least one turnbuckle or component part shall be selected from each lot. The samples shall be plainly marked or tagged to identify them with the lot they represent.

F-4a. Lot. A lot shall consist of all turnbuckles or component parts of the same type, material, and dimensions produced consecutively by one machine or by one series of progressive processing machines.

F-5. Test Methods:

F-5a. Internal strain. A finished brass turnbuckle barrel of each size shall be immersed in an aqueous solution containing 100 g. of mercurous nitrate and 13 ml. nitric acid (sp. gr. 1.42) per liter. After 15 minutes, the specimen shall be removed and examined for cracks.

F-5b. Breaking strength. Samples shall be tested for maximum tensile strength in accordance with Specification QQ-M-151 and as otherwise specified herein. Provided the specimens do not fail under the specified maximum load, they shall not be further loaded to destruction.

F-5c. Bending. Each turnbuckle end which meets the breaking strength requirements shall be held in a square-nosed vise and bent as specified.

F-5d. Torsion. Two piece turnbuckle forks shall be held by passing a pin or bolt through the holes in the fork blades and the specified torque applied by suitable means.

F-6. Distortion. The specified proof load shall be applied to the turnbuckle barrel or end for the specified period of time. The load shall then be released and the part checked for distortion.

F-7. Retests. If a test specimen fails to pass any of the required tests, two more specimens from the lot shall be selected. If either of these specimens fails to pass any of the required tests, the entire lot shall be rejected. The manufacturer may be allowed to reheat-treat the entire lot before the final tests are made.

G. Packaging, packing and marking for shipment. G-1. General. The packaging, packing and marking requirements specified herein apply only to direct purchases by or direct shipments to the Government.

G-2. Interior packaging. Each turnbuckle shall be preserved in accordance with AN-P-13, Method 1A, without the use of contact preservatives except as specified in this specification. If the turnbuckles weigh less than ½ pound each, ten of them shall be packaged in a folding carton conforming to Specification JAN-P-120, a set up box conforming to JAN-P-133, or an interior fiberboard box conforming to Specification JAN-P-108. If the turnbuckles weigh more than ½ pound each, ten of them shall be packaged in an interior fiberboard box conforming to Specification JAN-P-108.

G-3. Exterior packing. Unless otherwise specified, all parts shall be packed for domestic shipment. Shipping containers, insofar as possible, shall contain identical number of articles, shall be of a uniform size and shall be designed to enclose the contents in a snug, tight-fitting manner. The gross weight of the exterior shipping container when packed for shipment shall not exceed approximately 200 pounds.

G-3a. Domestic shipment. Unless otherwise specified, interior packages shall be

packed in substantial commercial shipping containers so constructed as to insure acceptance by common or other carrier for safe transportation, at the lowest rate, to the point of delivery. Except as specified herein, the container shall conform to the requirements of Consolidated Freight Classification Rules in effect at the time of shipment. The use of corrugated or solid fiberboard having a minimum Mullen test of less than 200 pounds is prohibited. Containers shall be able to withstand storage, rehandling, and reshaping without the necessity of repacking.

G-3b. Export shipment. The interior packages shall be packed in an exterior shipping container in accordance with Specification JAN-P-105, "Cleated Plywood Box" or Specification JAN-P-106, "Nailed Wood Box". If plywood box is used, the plywood shall conform to Specification AN-P-72, Type A or B, Condition I. Each shipping container shall be provided with a waterproof liner in accordance with Specification JAN-P-125.

G-4. Marking.

G-4a. Interior packages. Each interior package shall be durably and legibly marked with the following information in such a manner that the markings will not become damaged when the packages are opened:

Name of part.

AN part number.

AAF or Navy stock number.

Specification AN-T-19b.

Size.

Quantity contained as defined in the contract or order.

Name of contractor (and name of manufacturer if not the same).

Government order number (or contract number if order number is not assigned).

G-4b. Exterior shipping container. Each exterior shipping container shall be marked as specified in section H.

H. Requirements applicable to individual departments. H-1. The following departmental specifications of the issue in effect on date of invitation for bids shall form a part of this specification applicable to purchases by the agency indicated.

H-1a. Army. U. S. Army Specification 94-40945, Marking; Shipment (Domestic and Export). Copies of this specification may be obtained upon application to any of the Army Air Forces activities listed in section I.

H-1b. Navy. Navy Shipment Marking Handbook. Copies of this handbook may be obtained upon application to the Bureau of Supplies and Accounts, Navy Department, Washington 25, D. C.

I. Notes. I-1. *Use.* Turnbuckles covered by this specification are intended for use in the construction of aircraft and aircraft accessories.

I-2. Superseding data. This specification supersedes previous issues of Specification AN-T-19, the current issue of Navy Department Specification 1217, and U. S. Army Specification 29-20 for Army and Navy aeronautical use, and Master Specification AN-9021 which was the original record of agreement.

I-3. Ordering data. Requisitions, contracts, and orders should specify the applicable AN part numbers, and whether Export Shipment packing is desired (See Section G).

I-4. Specifications. When requesting specifications, refer to both title and number.

I-4a. Sources. Copies of Army-Navy Aeronautical Specifications may be obtained upon application to the Commanding General, Air Technical Service Command, Wright Field, Dayton, Ohio; or to the Bureau of Aeronautics, Navy Department, Washington 25, D. C. Naval activities should make application to the Commanding Officer, Naval Aircraft Modification Unit, Johnsville, Pa.

Notice: When Government drawings, specifications, or other data are used for any purpose other than in connection with a definitely related Government procurement operation the United States Government

thereby incurs no responsibility nor any obligation whatsoever; and the fact that the Government may have formulated, furnished, or in any way supplied the said drawings, specifications, or other data is not to be regarded by implication or otherwise as in any manner licensing the holder or any other person or corporation, or conveying any rights or permission to manufacture, use or sell any patented invention that may in any way be related thereto.

(ii) The following tests, which are required, when applicable, in addition to those set forth in Specification AN-T-19, shall be conducted to substantiate the strength and reliability of finished special turnbuckle assemblies and/or safetying devices. A minimum of six samples each shall be used in conducting the tests for torsion, tension, fatigue (tensile), and fatigue (torsion).

(a) *Torsion.* At least one sample of each size turnbuckle assembly and safetying device shall be tested in torsion to determine that the torque necessary to overcome the turnbuckle thread friction and break the safetying device is equal to or greater than that required when the conventional safety wire is used in accordance with the safetying procedure recommended in Civil Aeronautics Manual 4,² Section 43, Item 15.

(b) *Tension.* At least one sample of each size turnbuckle and safetying device assembly shall be tested to determine that the turnbuckle assembly (including safetying device) will not fail at any tensile load under the maximum (ultimate) tensile strength for which the comparable standard AN or NAS turnbuckle is rated. For this test, the sample shall consist of the turnbuckle assembly (including safetying device) with a two (2) foot length of cable appropriately attached to each terminal (end) of the turnbuckle. In making the determination, the sample shall be tested for tensile strength in accordance with Specification QQ-M-151.³ If the sample does not fail under the specified maximum load, it need not be tested further to destruction.

(c) *Vibration.* At least one sample of each of 3 representative sizes of finished turnbuckle assemblies—say, the smallest, the largest, and an intermediate size—shall be vibrated to determine that the lock wire, or other safetying device which relies upon spring action or clamping to safety the turnbuckle, can be depended upon not to jump out of place or otherwise lose its safetying properties, under vibratory conditions apt to be encountered in aircraft service. It is suggested that a cable tension load equal to 25 percent of rated ultimate cable strength and a frequency of 3600 cpm with an over-all amplitude of $\frac{1}{8}$ inch (parallel to the axis of the hole through the barrel) for 25 hours be used for this determination.

(d) *Fatigue (tensile).* At least one sample of each size finished turnbuckle assembly shall be given a repeated load test, in which a load equal to $\frac{2}{3}$ the ultimate tensile strength requirement is applied repeatedly in tension for 300 applications of the load without failure of

any component part. For this test, the sample shall consist of the turnbuckle assembly (including safetying device) with a two (2) foot length of cable appropriately attached to each terminal (end) of the turnbuckle.

(e) *Fatigue (bending).* The safety wire used in the conventional lock wire safetying procedure recommended in CAM 4.43-15 is not considered to be reusable. If the safety device used with the special aircraft turnbuckle assembly is to be considered re-usable, at least three (3) samples of the shortest formed non-standard safety wire (or other finished safetying device) shall be tested by alternate fastening and unfastening of the wire (or other safetying device), to determine that the device will not break after repeated applications of the bending loads involved. 200 on and off cycles, simulating rough treatment apt to be experienced from aircraft mechanics should substantiate a reasonable service life. It is felt that the shortest safety wire (or other safetying device) will be subjected to the greatest bending stresses. However, if the stresses may be greater in a longer wire (or other safetying device) intended for a larger size turnbuckle, the larger size turnbuckle and the longer wire (or other safetying device) shall be used for this test.

(f) *Fatigue (torsion).* At least one sample of each size finished turnbuckle assembly and/or safetying device shall be given a repeated load test in which a load equal to $\frac{2}{3}$ the torque (determined in test No. 1 above) required to overcome the turnbuckle thread friction and break the conventional safety wire (CAM 4.43-15) is applied in torsion first in one direction and then reversed for 3,000 complete cycles of reversal without failure of any component part.

(2) *Application.* Special turnbuckle assemblies and/or safetying devices complying with the specifications appearing in this order are hereby approved for use in civil aircraft. Special turnbuckle assemblies and/or safetying devices already approved by the Administrator, and those which may be approved as parts of aircraft designs, may continue to be used for the purposes for which approved.

(c) *Specific instructions—(1) Marking.* In addition to the identification information required in the referenced specification, the container for each special turnbuckle assembly and/or safetying device shall be permanently marked with the Technical Standard Order designation, CAA-TSO-C21, to identify the special turnbuckle assembly and/or safetying device as meeting the requirements of this order in accordance with the manufacturer's statement of conformance outlined below. This identification will be accepted by the Civil Aeronautics Administration as evidence that the established minimum safety requirements for special turnbuckle assemblies and/or safetying devices have been met.

(2) *Data requirements.* None.

(3) *Effective date.* After October 1, 1949, specifications contained in this order will constitute the basis for Civil Aeronautics Administration approval of special turnbuckle assemblies and/or

² Copies may be obtained from the Government Printing Office (GPO), Washington 25, D. C., at 45¢ per copy.

safetying devices for use in certificated aircraft.

(4) *Deviations.* Requests for deviation from, or waiver of, the requirements of this order, which affect the basic airworthiness of the component, should be submitted for approval by the Chief, Aircraft Division, Office of Aviation Safety, Civil Aeronautics Administration. These requests should be addressed to the nearest Regional Office of the Civil Aeronautics Administration, Attn: Chief, Aircraft Division.

(5) *Conformance.* (i) The manufacturer shall furnish to the Civil Aeronautics Administration, Aircraft Division, Attn: W-298, Washington 25, D. C., a written statement of conformance signed by a responsible official of his company, setting forth that the special turnbuckle assemblies and/or safetying devices to be produced by him meet the minimum safety requirements established in this order. Immediately thereafter distribution of the special turnbuckle assemblies and/or safetying devices conforming with the terms of this order may be started and continued.

(ii) The prescribed identification on the special turnbuckle and/or safetying devices does not relieve the aircraft manufacturer or owner of responsibility for the proper application of the special turnbuckle assemblies and/or safetying devices in his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Civil Air Regulations.

(iii) If complaints of nonconformance with the requirements of this order are brought to the attention of the Civil Aeronautics Administration, and investigation indicates that such complaints are justified, the Administrator will take appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order and other Technical Standard Orders may be obtained from the Civil Aeronautics Administration, Aviation Information Staff, Washington 25, D. C.

2. Section 4b.443 4 is amended as follows:

§ 4b.443-4 *Technical Standard Order TSO-C19a: "Portable Water-Solution Type Fire Extinguishers"* (CAA rules which apply to § 4b.448 (b))—(a) *Introduction.* Under section 601 of the Civil Aeronautics Act of 1938, as amended, and §§ 4a.31, 4a.532, 4b.41, 4b.448, and 4b.691 of the Civil Air Regulations issued pursuant thereto, the Administrator of Civil Aeronautics is authorized to adopt standards for portable fire extinguishers intended for use in civil aircraft. In adopting these standards, consideration has been given to existing Government and industry standards for portable water-solution type fire extinguishers.

(b) *Directive.*

(2) *Application.* (i) Portable water-solution type fire extinguishers already approved by the Administrator may continue to be installed in aircraft—

(a) For which an application for original type certificate is made prior to the effective date of this order,

(b) The prototype of which is flown within one year after the effective date of this order, and

(c) The prototype of which is not flown within one year after the effective date of this order if due to causes beyond the applicant's control.

(c) *Specific instructions.*

(4) *Deviations.* Requests for deviation from, or waiver of the requirements of this order, which affect the basic airworthiness of the component, should be submitted for approval by the Chief, Aircraft Division, Office of Aviation Safety, Civil Aeronautics Administration. These requests should be addressed to the nearest Regional Office of the Civil Aeronautics Administration, Attn: Chief, Aircraft Division.

(5) *Conformance.* (i) The manufacturer shall furnish to the Civil Aeronautics Administration, Aircraft Division, Attn: W-298, Washington 25, D. C., a written statement of conformance signed by a responsible official of his company, setting forth that the portable water-solution type fire extinguisher to be produced by him meets the minimum safety requirements established in this order. Immediately thereafter distribution of the extinguisher conforming with the terms of this order may be started and continued.

(Sec. 205, 52 Stat. 964, as amended by Reorg. Plan IV of 1940, 5 F. R. 2421, 3 CFR, Cum. Supp., 54 Stat. 1234; 49 U. S. C. 425, 5 U. S. C. 133t. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

DONALD W. NYROP,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 50-1212; Filed, Feb. 10, 1950; 8:56 a. m.]

[Supp. 3]

PART 6—ROTORCRAFT AIRWORTHINESS

SPECIAL AIRCRAFT TURNBUCKLE ASSEMBLIES AND/OR TURNBUCKLE SAFETYING DEVICES

Under sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, (1) the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce, and (2) the Administrator of Civil Aeronautics is empowered to make and amend such general or special rules, regulations, and procedure as he deems necessary to exercise and perform his powers and duties under the act. Under §§ 6.6 and 6.30 of the Civil Air Regulations the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to approve and publish specifications for turnbuckle assemblies and safetying devices.

Acting pursuant to the foregoing authority, the following rules are adopted. They are made effective without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure

Act would be impracticable and contrary to the public interest, and therefore is not required.

Section 6.30-1 is added to read:

§ 6.30-1 *Special aircraft turnbuckle assemblies and/or turnbuckle safetying devices (CAA rules which apply to § 6.30).* See § 4b.387-1 of this subchapter.

(Sec. 205, 52 Stat. 964, as amended by Reorg. Plan IV of 1940, 5 F. R. 2421, 3 CFR, Cum. Supp., 54 Stat. 1234; 49 U. S. C. 425, 5 U. S. C. 133t. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

DONALD W. NYROP,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 50-1213; Filed, Feb. 10, 1950; 8:56 a. m.]

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 6th day of February 1950.

Currently effective Part 33 establishes requirements for the issuance of flight radio operator certificates and prescribes certification rules.

This revision clarifies the requirements for the issuance of flight radio operator certificates in light of the standards established in Annex 1 (Personnel Licensing Standards) to the Convention on International Civil Aviation, and delineates general operating rules for flight radio operators. It will be noted that a few substantive changes in the currently effective rules which are discussed below have been made in this revision.

This revision requires a license complying with the requirements specified in the general radio regulations annexed to the International Telecommunications Convention as a prerequisite for flight radio operator certificates instead of a Federal Communications Commission license. This will permit a foreign national who currently cannot obtain an FCC license to obtain a flight radio operator certificate, and will enable certain foreign nations to forego establishing national licensing requirements for flight radio operators in order to comply with the requirements of the Convention on International Civil Aviation.

It will be noted that flight radio operator certificates issued to individuals other than United States citizens shall remain in effect for a period no longer than one year. However, provision is also made that such certificates may be renewed without further demonstration of technical competency on the part of the flight radio operator. Certificates may be issued to foreign nationals only if such individuals are citizens of a foreign government which grants or has undertaken to grant reciprocal flight radio operator privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government. Therefore, if reciprocal agreements are terminated, thus removing the basis of reciprocity on which citizens of the for-

sign government concerned have been issued their United States certificates, the provision with regard to duration of such certificates will provide a means by which they may be withdrawn by the Administrator.

It will be further noted that no provision is made in this part regarding recent experience requirements for flight radio operators as proposed in the notice of proposed rule making on this subject. However, upon completion of our study of the various proposals to insure continued competency of certificated flight radio operators, submitted in response to such notice, we shall appropriately amend the Civil Air Regulations.

The FCC has established a written examination for the issuance of a radiotelegraph operator license of the second or higher class which complies with the general radio requirements annexed to the International Telecommunications Convention and covers the same subjects required by this part to be taken by an applicant for a flight radio operator certificate. If an applicant for a flight radio operator certificate successfully accomplishes the FCC examination and submits satisfactory documentary evidence of such fact, he will not be required to take the written examination prescribed in this part. Therefore, applicants for such certificates who are United States citizens should apply for the radiotelegraph operator licenses for aircraft operation at an appropriate field office of the FCC prior to making application to the Administrator for flight radio operator certificates. Applicants other than United States citizens may apply at any CAA international field office or United States district office located near international airports used by foreign flag air carriers.

Interested persons have been afforded an opportunity to participate in the making of this revision, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby adopts revised Part 33 of the Civil Air Regulations (14 CFR, Part 33, as amended), effective February 15, 1950, to read as follows:

- Sec.
33.0 Applicability of this part.
33.1 Definitions.

CERTIFICATION RULES

- 33.5 Application for certificate.
33.6 Issuance.
33.7 Duration.
33.8 Exchange of certificates.
33.9 Display.
33.10 Change of address.

GENERAL CERTIFICATE REQUIREMENTS

- 33.21 Citizenship.
33.22 Age.
33.23 Education.
33.24 Examinations and tests.
33.25 Reexamination after failure.
33.26 Substantiation of experience.
33.27 Physical standards.

QUALIFICATIONS FOR A CERTIFICATE

- 33.31 Experience.
33.32 Knowledge.
33.33 Skill.

OPERATING RULES

- Sec.
33.41 Certificate required.
33.42 Medical certificate.
33.43 Operation during physical deficiency.
33.44 Grace period for periodic tests and other qualification procedures.

AUTHORITY: §§ 33.0 to 33.44 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552.

§ 33.0 *Applicability of this part.* This part establishes certification and general operating rules for flight radio operators.

§ 33.1 *Definitions.* (a) As used in this part the words below shall be defined as follows:

(1) *Flight radio operator.* A flight radio operator shall mean an individual whose primary assigned duty during flight over any route or route segment is to communicate by radio with other stations.

(2) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties imposed upon him by the provisions of this part.

CERTIFICATION RULES

§ 33.5 *Application for certificate.* An application for a certificate shall be made on a form and in a manner prescribed by the Administrator.¹

§ 33.6 *Issuance.* (a) A flight radio operator certificate shall be issued by the Administrator to an applicant who meets the requirements of this part.

(b) Pending a review of the applicant's application and supplementary documents and the issuance of a certificate by the Administrator, an authorized representative of the Administrator may, subject to such conditions and limitations as the Administrator may prescribe, issue a temporary flight radio operator certificate to an applicant who meets the requirements of this part.

§ 33.7 *Duration.* (a) A flight radio operator certificate shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board, after which it shall be returned to the Administrator. A certificate issued to an individual other than a United States citizen shall remain in effect for a period no longer than one year, but it may be renewed without fur-

¹ Since a flight radio operator, as a prerequisite to obtaining a certificate under the provisions of this part, is required to hold a radiotelegraph operator license of second class, or higher, complying with the international requirements, an applicant for a flight radio operator certificate who is a United States citizen should apply for the FCC license at an appropriate field office of the FCC and accomplish the written examination required for the issuance of such license prior to making application to the Administrator for the issuance of a flight radio operator certificate. Applicants who are not United States citizens should make application at any CAA international field office or United States district office located near international airports used by foreign flag air carriers.

ther demonstration of technical competence.

(b) A temporary flight radio operator certificate shall remain in effect for no longer than a 90-day period.

§ 33.8 *Exchange of certificates.* All flight radio operator certificates issued prior to the effective date of this revision of Part 33 shall expire on January 1, 1951. Each certificate holder shall, on or before that date, surrender his certificate to the Administrator who shall issue a new certificate to an individual who meets or has met the requirements of this part.

§ 33.9 *Display.* A flight radio operator shall, upon request, present his airman and medical certificates for examination by any authorized representative of the Civil Aeronautics Board or Administrator or by any State or local law enforcement officer.

§ 33.10 *Change of address.* Within 30 days after any change in the permanent mailing address of a certificated flight radio operator, he shall notify the Administrator in writing of his new address. The notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 33.21 *Citizenship.* An applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal flight radio operator privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 33.22 *Age.* An applicant shall be at least 18 years of age.

§ 33.23 *Education.* An applicant shall be able to read, write, and understand the English language and speak the same without any accent or impediment of speech that would interfere with two-way radio conversation.

§ 33.24 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate. The passing grade for all oral and written examinations shall be at least 70 percent. The practical examination shall be accomplished to the satisfaction of the authorized representative of the Administrator.

§ 33.25 *Reexamination after failure.* An applicant who has failed any prescribed written² or practical examination or test may not apply for reexamination within a 30-day period unless he presents a signed statement by a person authorized by the Administrator to give instruction in the subject or subjects in which reexamination is desired that the applicant has received an additional 5

² The regulations of the Federal Communications Commission regarding the issuance of radiotelegraph operator licenses provide that an applicant for such a license who has failed the prescribed written examination for the issuance of such license is ineligible for 2 months to retake such examination.

hours of instruction in the subject or subjects failed and is considered competent to pass the examination or test.

§ 33.26 Substantiation of experience. An applicant shall present to the Administrator satisfactory documentary evidence to substantiate the experience qualifications for a flight radio operator certificate.

§ 33.27 Physical standards. An applicant shall present evidence that he has, within the 12 months immediately preceding the date of application, met the physical standards of the third class prescribed in Part 29 of the Civil Air Regulations.

QUALIFICATIONS FOR A CERTIFICATE

§ 33.31 Experience. An applicant shall hold a radiotelegraph operator license of second class, or higher, complying with the requirements specified in the general radio regulations annexed to the International Telecommunications Convention; and

(a) Shall have had at least 12 months of satisfactory experience as a radio operator in aircraft, maritime, or ground stations, commercial or military, including at least four months of experience as a radiotelegraph operator; and shall have had at least 50 hours of experience in the operation of aircraft radio during flight; or

(b) Within 90 days immediately preceding application shall have completed successfully a course of instruction which the Administrator approves as adequate for the training of a flight radio operator.

§ 33.32 Knowledge. (a) An applicant shall satisfactorily accomplish a written examination* on the following subjects:

- (1) The provisions of the Civil Air Regulations applicable to the duties of a flight radio operator;
- (2) Aircraft radio equipment, domestic and foreign;
- (3) Radio navigation of aircraft;
- (4) Aircraft radio operating procedures, domestic and foreign.

*To operate a radio station on an aircraft of United States registry with a radio station licensed by the Federal Communications Commission, an individual must hold, in addition to his airman certificate, the appropriate radio operator's license issued by the Federal Communications Commission.

*The subjects included under the knowledge requirement are those subjects on which an applicant will be required to accomplish satisfactorily a written examination. These subjects are over and above the minimum requirements for the issuance of a radiotelegraph operator license of second class as set forth by the International Telecommunications Convention. The Federal Communications Commission issues a license to radiotelegraph operators of second class or higher for specified service in aircraft which includes examinations adequately covering the above-mentioned subjects. Therefore, an applicant who submits satisfactory documentary evidence to the Administrator that he has successfully accomplished the FCC written examination for a radiotelegraph operator's license for aircraft operation will not be required to take the written examination prescribed herein.

§ 33.33 Skill. An applicant shall (a) satisfactorily accomplish a practical examination on the inspection, adjustment, and routine repair of aircraft radio communications (telegraphy and telephony) and radio navigational equipment; (b) satisfactorily accomplish a practical flight examination on the operation of aircraft radio communications (telegraphy and telephony) and radio navigation; and (c) demonstrate his ability to send and receive international Morse code at a speed of 20 words per minute code groups, and 25 words per minute plain language.¹

OPERATING RULES

§ 33.41 Certificate required. No individual shall serve as a flight radio operator in air commerce on an aircraft of United States registry without, or in violation of the terms of, a certificate issued in accordance with the provisions of this part. He shall have his certificate in his personal possession when performing his duties.

§ 33.42 Medical certificate. No individual shall exercise the privileges accorded by a flight radio operator certificate unless he has in his personal possession while so serving a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate thereto within the preceding 12 months.

§ 33.43 Operation during physical deficiency. No individual shall exercise the privileges accorded by a flight radio operator certificate during any period of known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate.

§ 33.44 Grace period for periodic tests and other qualification procedures. Whenever this part requires an examination, test, or other qualifying procedure at stated intervals, a grace period of 15 days shall be allowed: *Provided*, That the effective date of the examination, test, or other qualifying procedure, if met within the grace period, shall be the same as it would have been if met on the day

¹This speed requirement in sending and receiving international Morse code is higher than the minimum International Telecommunications Convention requirements for a radiotelegraph operator license of second class. An applicant who holds a second class radiotelegraph operator license will be required to demonstrate his ability to meet this speed requirement or furnish satisfactory evidence that he does meet this requirement.

Satisfactory evidence that an applicant meets the speed requirement shall be the possession of a radiotelegraph operator license, first class, issued under the minimum standards as prescribed by the International Telecommunications Convention.

Since the FCC requires an applicant for a radiotelegraph operator license of second class for aircraft operation to meet this speed requirement, such license will be acceptable to the Civil Aeronautics Administration in lieu of a practical demonstration of his code ability.

immediately preceding the beginning of such grace period.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-1220; Filed, Feb. 10, 1950; 8:56 a. m.]

[Supp. 5]

PART 43—GENERAL OPERATION RULES

IDENTIFICATION MARKS AND AIRWORTHINESS CLASSIFICATION MARKS, ICAO MODIFICATIONS AND IDENTIFICATION MARKS, MAINTENANCE OF ENGINE LOGS, REBUILT ENGINE, AND APPROVAL OF REBUILT AIRCRAFT ENGINES

Under section 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce. Under § 43.10 of the Civil Air Regulations, the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to prescribe the manner in which identification marks and airworthiness classification marks shall be displayed on aircraft.

Under sections 205 (a), 603, 605, 609, and 901 of the Civil Aeronautics Act of 1938, as amended, the Administrator of Civil Aeronautics is authorized (1) to determine by inspection and reexamination whether aircraft engines are in a condition for safe operation, (2) to certify aircraft engines, (3) to administer and enforce aircraft engine safety regulations prescribed by the Civil Aeronautics Board, and (4) to adopt such procedures as he deems necessary to carry out these responsibilities.

Acting pursuant to the foregoing authority, and in accordance with section 3 (a) of the Administrative Procedure Act, I hereby adopt the following rules and interpretations. Since the rules have been widely distributed to interested persons as portions of Civil Aeronautics Manual 43 and such persons have had ample opportunity to comment on the rules, and since conformance with rule-making procedure would impede due and timely execution of Civil Aeronautics Administration functions, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and unnecessary, and therefore is not required.

§ 43.10-1 Identification marks and airworthiness classification marks (CAA rules which apply to § 43.10 (c)).

(c) *Non-conventional aircraft.* The identification marking rules prescribed above are intended to apply to conventional aircraft as they are known today. When aircraft are developed that do not conform to the general configuration of present day aircraft, a procedure for identification marking will be prescribed

by the Administrator. In the event it is impossible to comply with the standard marking rules outlined above, the owner of the aircraft should contact the local Aviation Safety District Office for special instructions.

(d) *Examples of identification and airworthiness classification marks*—(1) *Arrangement.* Figure 1 illustrates the arrangement of the nationality and reg-

istration mark N1477H when the mark is to be affixed horizontally.

(2) *Location.* Figure 2 illustrates the correct location of nationality and registration marks displayed on a standard aircraft.

Figure 3 illustrates the correct location of nationality and registration marks and the airworthiness classification mark on an experimental aircraft.



Code:*

H—All characters in the same group shall be of equal height.

W—All characters except the number "1" and the letter "I" shall be two-thirds as wide as they are high.

S—The space separating each character or number shall not be less than one-fourth the character width.

X—The width of the characters "I" and "T" shall be one-sixth as wide as they are high.

Y—The thickness of the lines forming the characters shall be one-sixth of the character height.

*These conform with ICAO standards provided in CAM 43.10-2.

FIGURE 1.



FIGURE 2.

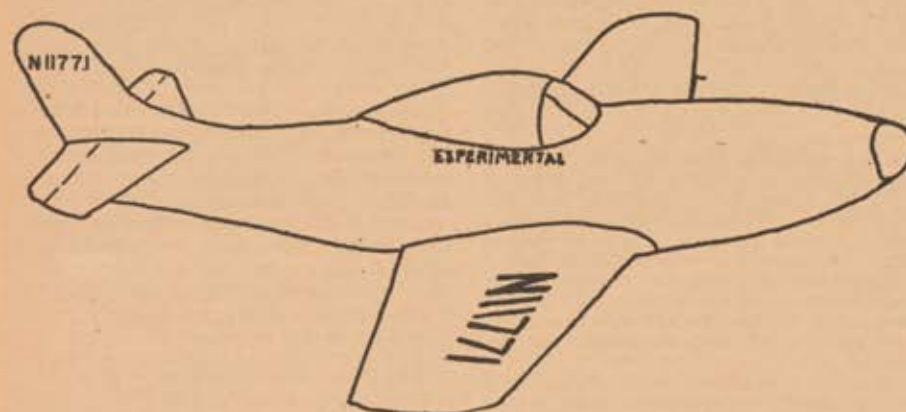


FIGURE 3.

625
§ 43.10-2 ICAO modifications of identification marks (CAA rules which apply to § 43.10 (c))—(a) *Modified rules.* The following rules modify certain parts of the identification mark rules set forth in CAM 43.10-1. Other than the changes enumerated below the CAM 43.10-1 rules remain the same.

(1) *Compliance date.* The following modifications to CAM 43.10-1 become effective after January 31, 1950, for all aircraft registered for the first time. Aircraft displaying identification marks conforming to CAM 43.10-1, or previously marked to conform to Aviation Safety Releases No. 286 and No. 299, need not

comply with these modifications until the first time the aircraft is refinished to an extent that the marks must be reapplied. However, the modified nationality and registration marks may be displayed any time prior to these dates at the option of the owner.

(2) *Height.* (i) On each fixed-wing aircraft or rotorcraft, fuselage side or vertical tail surface identification marks shall be such as to leave at least a margin of 2 inches along each edge of the surface. Within these stipulations, the marks shall be as large as practicable, except that this rule shall not be interpreted as requiring the use of marks exceeding 6 inches in height, or permitting the use of marks smaller than 2 inches in height.

(ii) The letters and numbers of each separate group of identification marks shall be of equal height.

(3) *Width.* (i) On each aircraft, identification marks, with the following exception, shall be two-thirds as wide as they are high. The number "1" shall be one-sixth as wide as it is high.

(4) *Spacing.* (i) On each aircraft, the space between the identification numbers and letters shall be not less than one-fourth of the character width.

§ 43.23-1 *Maintenance of engine logs* (CAA interpretations which apply to § 43.23). A record of the previous operating time and history of all engines overhauled, repaired, or reassembled to standards other than those for rebuilt engines, as defined in § 43.24-1, shall be retained in the engine logbooks.

§ 43.24-1 *Rebuilt engine.* (CAA interpretations which apply to § 43.24). A rebuilt engine is defined as a used engine which has been completely disassembled, inspected, repaired as necessary, reassembled, tested, and approved in the same manner and to the same tolerances and limits as a new engine. Component parts of such engines may be either used parts or new parts. The used parts may be either the parts from the same engine or from other service engines, but they must conform to production drawing tolerances and limits to which new parts must conform. In addition, all parts, either new or used, meeting approved oversize and undersize dimensions acceptable for new engines, are also eligible.

§ 43.24-2 *Approval of rebuilt aircraft engines* (CAA rules which apply to § 43.24)—(a) *Log book entries.* Other information which shall be entered in the log book of a rebuilt engine consists of a notation when (1) any mandatory changes required by Airworthiness Directives have been incorporated, and (2) any changes have been incorporated as a result of compliance with manufacturers' service bulletins, where such recording is requested specifically in the bulletin.

(b) *Compliance date.* All manufacturers who grant zero time to rebuilt engines, and all agencies approved by the manufacturer to do such work shall apply paragraph (a) of this section as soon as possible, but not later than November 1, 1949.

(Sec. 205, 52 Stat. 984, as amended by Reorg. Plan IV of 1940, 5 F. R. 2421, 3 CFR, Cum. Supp.; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended by Reorg. Plans III and IV of 1940, 5 F. R. 2107, 2421, 3 CFR, Cum. Supp.; 49 U. S. C. 551)

These rules and interpretations shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

DONALD W. NYROP,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 50-979; Filed, Feb. 8, 1950;
8:50 a. m.]

[Supp. 9]

PART 61—SCHEDULED AIR CARRIER RULES

ADMISSION TO PILOT COMPARTMENT

Under sections 205 (a), 604, 605, and 901 of the Civil Aeronautics Act of 1938, as amended, the Administrator of Civil Aeronautics is authorized (1) to determine by investigation whether air carriers are properly and adequately equipped and maintained and are able to conduct safe operations, (2) to certify air carriers, (3) to administer and enforce air carrier safety regulations prescribed by the Civil Aeronautics Board, and (4) to adopt such procedures as he deems necessary to carry out these responsibilities.

Acting pursuant to the foregoing authority, and in accordance with section 3 (a) of the Administrative Procedure Act, I hereby adopt the following policies and interpretations:

§ 61.304-2 *Admission to pilot compartment (CAA policies which apply to § 61.304).* The Civil Aeronautics Board has agreed that the Civil Aeronautics Administration should apply the following policy with reference to CAR 61.304 (a) pending such time as a revision to the Civil Air Regulations can be issued:

(a) No person except a member of the operating crew, a CAA Aviation Safety Agent, or a duly authorized representative of the Civil Aeronautics Board shall be admitted to the pilots' compartment during such flight unless his admission is approved by the first pilot and such person is one of the following:

(1) An employee of the Federal Government or of an air carrier or other aeronautical enterprise, whose duties are such that his presence in the cockpit is necessary or advantageous to the conduct of safe air carrier operations or the improvement of the safety of such operations;

(2) A person whose presence in such compartment has been specifically authorized by the management of the air

¹ Federal employees who deal responsibly with matters relating to air carrier safety and such air carrier employees as pilots, dispatchers, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions in the pilots' compartment may be considered eligible under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under subparagraph (2) of this paragraph.

carrier operating the aircraft and by the Administrator.

(Sec. 205, 52 Stat. 984, as amended by Reorg. Plan IV of 1940, 5 F. R. 2421, 3 CFR, Cum. Supp.; 54 Stat. 1234; 49 U. S. C. 425, 5 U. S. C. 133t. Interpret or apply sec. 601, 604, 605, 52 Stat. 1007, 1010, as amended by Reorg. Plans III and IV of 1940, 5 F. R. 2107, 2421, 3 CFR, Cum. Supp.; 54 Stat. 1231, 1234; 49 U. S. C. 551, 554, 555, 5 U. S. C. 133t)

These policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

DONALD W. NYROP,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 50-1192; Filed, Feb. 10, 1950;
8:55 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE:
POSTAGE RATES, SERVICE AVAILABLE, AND
INSTRUCTIONS FOR MAILING

ISRAEL

In § 127.282 *Israel (State of)*, (13 F. R. 9173), amend paragraph (b) (1) by the addition of subdivision (ii) to read as follows:

- (b) *Parcel post (Israel, State of)*—
(1) *Table of rates.* * * *
(ii) *Air parcels.*

[Rates \$1.42 first 4 oz.; \$0.67 each additional 4 oz.]

Lb. Oz.	Rate	Lb. Oz.	Rate
0 4.....	\$1.42	11 4.....	\$30.00
0 8.....	2.09	11 8.....	31.57
0 12.....	2.76	11 12.....	32.24
1 0.....	3.43	12 0.....	32.91
1 4.....	4.10	12 4.....	33.58
1 8.....	4.77	12 8.....	34.25
1 12.....	5.44	12 12.....	34.92
2 0.....	6.11	13 0.....	35.59
2 4.....	6.78	13 4.....	36.26
2 8.....	7.45	13 8.....	36.93
2 12.....	8.12	13 12.....	37.60
3 0.....	8.79	14 0.....	38.27
3 4.....	9.46	14 4.....	38.94
3 8.....	10.13	14 8.....	39.61
3 12.....	10.80	14 12.....	40.28
4 0.....	11.47	15 0.....	40.95
4 4.....	12.14	15 4.....	41.62
4 8.....	12.81	15 8.....	42.29
4 12.....	13.48	15 12.....	42.96
5 0.....	14.15	16 0.....	43.63
5 4.....	14.82	16 4.....	44.30
5 8.....	15.49	16 8.....	44.97
5 12.....	16.16	16 12.....	45.64
6 0.....	16.83	17 0.....	46.31
6 4.....	17.50	17 4.....	46.98
6 8.....	18.17	17 8.....	47.65
6 12.....	18.84	17 12.....	48.32
7 0.....	19.51	18 0.....	48.99
7 4.....	20.18	18 4.....	49.66
7 8.....	20.85	18 8.....	50.33
7 12.....	21.52	18 12.....	51.00
8 0.....	22.19	19 0.....	51.67
8 4.....	22.86	19 4.....	52.34
8 8.....	23.53	19 8.....	53.01
8 12.....	24.20	19 12.....	53.68
9 0.....	24.87	20 0.....	54.35
9 4.....	25.54	20 4.....	55.02
9 8.....	26.21	20 8.....	55.69
9 12.....	26.88	20 12.....	56.36
10 0.....	27.55	21 0.....	57.03
10 4.....	28.22	21 4.....	57.70
10 8.....	28.89	21 8.....	58.37
10 12.....	29.56	21 12.....	59.04
11 0.....	30.23	22 0.....	59.71

Each air parcel must have affixed the blue Par Avion Label (Form 2978). (See § 127.55 (b).)

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL]

V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 50-1194; Filed, Feb. 10, 1950;
8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce
Commission

Subchapter A—General Rules and Regulations

[S. O. 845-A]

PART 95—CAR SERVICE

RESTRICTIONS ON COAL-BURNING PASSENGER
SERVICE LOCOMOTIVE MILEAGE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of February A. D. 1950.

Upon further consideration of Service Order No. 845 (15 F. R. 62) and good cause appearing therefor: It is ordered, That:

Section 95.845 *Restrictions on coal-burning passenger service locomotive mileage* (Service Order 845) be and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 11:59 p. m., February 10, 1950; that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(15))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1230; Filed, Feb. 10, 1950;
8:54 a. m.]

[S. O. 846]

PART 95—CAR SERVICE

RESTRICTIONS ON COAL-BURNING PASSENGER
SERVICE LOCOMOTIVE MILEAGE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of February A. D. 1950.

It appearing, that reserve stocks of railroad locomotive fuel coal have decreased; that some such reserves have reached a dangerously low level and are further decreasing; that the supply and movement of cars and trains and "car service" generally is impeded and interrupted by the lack of locomotive fuel coal; that the present production of bituminous coal is insufficient to relieve these conditions and adequately supply such fuel, and the Commission being of the opinion that an emergency exists requiring immediate action in all sections of the country; It is ordered, that:

§ 95.846 *Restrictions on coal-burning passenger service locomotive mileage—*

(a) *Reduction in passenger locomotive mileage.* On and after the effective date of this section, no common carrier by railroad, subject to the Interstate Commerce Act, operating coal-burning steam

locomotives in passenger service, shall operate such coal-burning steam locomotives in passenger service daily in an amount in excess of 50% of such daily mileage as it operated on December 1, 1949.

(b) *Application.* (1) The provisions of this section shall apply to intrastate commerce, as well as interstate and foreign commerce.

(2) The provisions of this section shall apply to coal-burning passenger locomotive operation commencing on and after the effective date hereof.

(c) *Effective date.* This section shall become effective at 11:59 p. m., February 10, 1950.

(d) *Expiration date.* This section shall continue in effect until 11:59 p. m., March 30, 1950, unless otherwise modified, changed, suspended or annulled by order of the Commission.

(e) *Rules, regulations, and practices suspended.* The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this section, is hereby suspended.

It is further ordered, that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(15))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1231; Filed, Feb. 10, 1950;
8:54 a. m.]

[S. O. 847]

PART 95—CAR SERVICE

RESTRICTIONS ON USE OF COAL-BURNING FREIGHT LOCOMOTIVES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of February A. D. 1950.

It appearing, that reserve stocks of railroad locomotive fuel coal have decreased; that some such reserves have reached a dangerously low level and are further decreasing; that the supply and movement of cars and trains and "car service" generally is impeded and interrupted by the lack of locomotive fuel coal; that the present production of bituminous coal is insufficient to relieve these conditions and adequately supply such fuel, and the Commission being of the opinion that an emergency exists requiring immediate action in all sections of the country: It is ordered, that:

§ 95.847 *Restrictions on use of coal-burning freight locomotives—(a) Reduction in freight locomotive mileage.* No common carrier by railroad subject to the Interstate Commerce Act shall operate a daily total coal-burning freight locomotive mileage in road service in excess of 75 percent of the total coal-burning freight locomotive mileage operated by it in road haul service on February 8, 1950, except that coal-burning freight locomotives in coal mine service may be operated in addition to the reduction above ordered.

(b) *Conservation of locomotive fuel coal.* Each common carrier subject to the Interstate Commerce Act operating coal-burning freight locomotives is authorized and directed insofar as is possible in carrying out its common carrier duties, and in accordance with its operating conditions, to operate full tonnage trains, issue necessary embargoes to con-

duct its operations, and take such other measures as are possible to conserve the use of locomotive fuel coal.

(c) *Application.* (1) The provisions of this section will apply to intrastate commerce as well as interstate and foreign commerce.

(2) The provisions of this section shall apply to coal-burning freight locomotive operation commencing on and after the effective date hereof.

(d) *Effective date.* This section shall become effective at 11:59 p. m., February 10, 1950.

(e) *Expiration date.* This section shall continue in effect until 11:59 p. m., March 30, 1950, unless otherwise modified, changed, suspended or annulled by order of the Commission.

(f) *Rules, regulations, and practices suspended.* The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this section, is hereby suspended.

It is further ordered, that a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1232; Filed, Feb. 10, 1950;
8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 941]

[Docket No. AO-101-A10]

HANDLING OF MILK IN CHICAGO, ILL., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Chicago, Illinois, on November 16, 17, 18, 21 and 22, 1949, pursuant to

notice thereof which was issued on November 2, 1949 (14 F. R. 6663).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on January 13, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the Federal Register on January 14, 1950 (15 F. R. 251).

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 50-508, 15 F. R. 251) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein subject to the following amendments:

1. Delete the first paragraph beginning in Column 3, 15 F. R. 251 (F. R. Doc. 50-508) and substitute therefor the fol-

lowing: "In connection with the exceptions filed by the Pure Milk Products Cooperative et al., it was requested that an immediate hearing be called to restore the order to its present reading in regard to location adjustments to handlers and producers if such exceptions were not granted. It is determined that the exceptions do not provide a basis for the requested hearing on such provisions. This request, therefore, is denied."

2. Insert the following sentence immediately before the word "Inasmuch" beginning on line 13 of the second paragraph beginning in column 3, 15 F. R. 252 (15 F. R. Doc. 50-508): "This approach eliminates the seasonal variation in the manufacturing allowance contained in the present formula, and exceptions to the recommended decision proposed that such seasonal variations be retained; this record, however, does not support their retention."

3. Delete the fourth, fifth and sixth sentences of the second paragraph beginning in column 1, 15 F. R. 253, and substitute therefor the following: "With respect to adjustment of the yield factor because not all powder is 'extra grade', it appears that an adjustment of .04 pounds will approximately correct for the lower value of that graded 'animal feed', and that no adjustment is required for that which is 'standard grade'. The value of the latter is averaged in the price quotation used in the formula to determine the value of powder. The formula, therefore, should reflect a yield figure of 8.2 pounds of nonfat dry milk solids."

4. Delete the third and fourth sentences of the second paragraph beginning in column 2, 15 F. R. 253 (F. R. Doc. 50-508) and substitute therefor the following as a paragraph:

In pricing Class IV milk, returns below levels which are otherwise available should not be recognized even though they are from large selling organizations with national marketing programs. The proponents who are members of such organizations manufacture most of their butter from ungraded milk which is not priced under the order, and it is this supply that forms the basis of national marketing programs. Butter production from Chicago inspected milk is incidental to fluid milk and cream operations. The decision to use other bases to determine the value of butter to be included in the formula does not imply criticism of these organizations or this method of marketing. It does recognize, however, that when Government purchase programs are necessary to support returns to farmers, it would be entirely inconsistent to include in a minimum price formula for Class IV milk a price substantially less than the price at which these purchases are made f. o. b. plants.

5. Delete the last sentence of the first paragraph beginning in column 1, 15 F. R. 254 (F. R. Doc. 50-508) and substitute therefor the following: "It is concluded that the average price should continue to be used in the formula as a measure of returns, but that the fact that handlers of a considerable volume of Class IV milk will have available to them outlets more favorable than the average price by a greater amount than has previously been the case should receive consideration in connection with the manufacturing allowance."

6. Delete the figures "66¢" from line 8 of the second paragraph beginning in column 3, 15 F. R. 254 (F. R. Doc. 50-508) and substitute therefor the figures "65.5¢."

7. Delete the figures "69.2" from line 11 of the second paragraph beginning in column 3, 15 F. R. 254 (F. R. Doc. 50-508) and substitute therefor the figures "68.7."

8. Delete the first paragraph beginning in column 1, 15 F. R. 255 (F. R. Doc. 50-508) and substitute therefor the following: "From these factors, it is considered reasonable to include in the Class IV formula an allowance factor of 67 cents per hundredweight. The recommended decision in these proceedings had proposed that this allowance be adjusted to 65 cents at this time in view of the

prospective results of the support purchase program for nonfat dry milk solids for 1950. Some recognition of this factor would appear appropriate at this time, but a review of the exceptions received, particularly those which indicate that the full 93-score butter price at Chicago may not be available all times to handlers f. o. b. their plants under current conditions, it is concluded that the manufacturing allowance should not be at the minimum of the indicated range. The 67 cent allowance approximates the midpoint of the range, and during a recent period its use would have resulted in Class IV prices comparable to those paid by unregulated plants making butter and powder in the area."

9. Delete the figures "10" from line 18 of the second paragraph beginning in column 1, 15 F. R. 255 (F. R. Doc. 50-508) and substitute therefor the figures "12.5".

10. Delete the word "immediate" from line 29 of column 1, 15 F. R. 260 (F. R. Doc. 50-508).

11. Delete the word "which" in line 33 of column 1, 15 F. R. 260 (F. R. Doc. 50-508).

Rulings on exceptions. No specific exceptions were filed to the findings, conclusions and amendment action recommended in the Assistant Administrator's recommended decision with respect to issues numbered 5, 6, 7, 10 and 11. Exceptions were filed by the following parties to the findings, conclusions and amendment action recommended by the Assistant Administrator with respect to certain issues as follows:

1. Central Dairy Sales Cooperative—Issue 1.

2. Pure Milk Products Cooperative et al.—Issues 2 and 3.

3. The Borden Company—Issues 1, 4, 8 and 9.

In arriving at the findings, conclusions and amendment action decided in this decision each of these exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and amendment action decided upon herein are at variance with the exceptions, such exceptions are overruled.

In addition to proposals relating to the issues listed in the recommended decision, the hearing notice contained a proposal to change the classification of "butter cream" and "sour cream" from Class II milk to Class III milk. The proponents of such proposal did not testify in its behalf and requested that it be withdrawn. It is determined that no affirmative action should be taken on this proposal.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the

minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of November 1949 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 8th day of February 1950.

[SEAL]

A. J. LOVELAND,

Acting Secretary of Agriculture.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area

§ 941.0 Findings and determinations—(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

practice and procedure governing the formulation of marketing agreements and orders (7 CFR, 900.1 et seq.) a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 941.4 (f) (4) and substitute therefor the following:

(4) Subtract from the remaining pounds of milk in each class, in series beginning with the lowest-priced milk, the pounds of milk received from sources other than producers or handlers;

2. Delete § 941.4 (f) (5) and substitute therefor the following:

(5) Subtract from the remaining pounds of milk in each class, in series beginning with the lowest-priced milk, the pounds of overrun; and

3. Delete § 941.4 (f) (6) and substitute therefor the following:

(6) In the event the total pounds of milk remaining in the several classes is greater, or less, than the pounds of milk received from producers (including the handler's own farm production), reconciliation shall be effected by respectively deducting such difference from, or adding such difference to, the pounds of milk which are priced at the lowest announced price per hundredweight of milk applicable for the delivery period.

4. Delete § 941.5 and substitute therefor the following:

(a) **Basic formula price.** The basic formula price to be used in computing the prices for Class I milk and Class II milk for each delivery period shall be the higher of the prices for Class III milk and Class IV milk as computed by the market administrator pursuant to subparagraphs (3) and (4) of paragraph (b) of this section for the delivery period next preceding: *Provided*, That for the first delivery period following any amendment of § 941.5 the basic formula price shall be computed pursuant to the provisions of § 941.5 as in effect prior to such amendment.

(b) **Class prices.** Subject to the appropriate location adjustment credits, as set forth in paragraph (c) of this section, each handler, at the time and in the manner set forth in § 941.8 shall pay per hundredweight of milk purchased or received during each delivery period from producers or from cooperative associations, not less than the prices set forth below in this paragraph:

(1) **Class I milk.** The price for Class I milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June, \$0.50; August, September, October, and November, \$0.90; all others, \$0.70.

(2) **Class II milk.** The price for Class II milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June, \$0.30; August, September, October, and November, \$0.50; all others, \$0.40.

(3) **Class III milk.** The price for Class III milk shall be the highest of the prices resulting from the respective formulas set forth in subdivisions (i) and (ii) of this subparagraph and in subparagraph (4) of this paragraph: *Provided*, That the price resulting from the formula set forth in subdivision (i) of this subparagraph shall apply to that milk the butterfat from which is contained in evaporated milk, condensed milk, or whole milk powder.

(i) The average of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(ii) The price per hundredweight computed from the following formula:

(a) Multiply the simple average as computed by the market administrator, of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period, by 6;

(b) Add 2.4 times the simple average, as published by the United States Department of Agriculture, of the prices determined per pound of "cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(c) Divide by 7;

(d) Add 30 percent thereof; and

(e) Multiply by 3.5.

(4) **Class IV milk.** The price for Class IV milk shall be that computed from the following formula:

(i) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(ii) Multiply by 8.2 the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the United States Department of Agriculture; and

(iii) From the sum of the results arrived at under subdivisions (i) and (ii) of this subparagraph, subtract 67 cents.

(c) **Location adjustment credit to handlers.** (1) The location adjustment credit with respect to that portion of milk received directly from producers at an approved plant (i) which is moved in the form of fluid milk or fluid skim milk from such approved plant to a plant engaged in the bottling of fluid milk, which is located less than 70 miles from the City Hall in Chicago, or (ii) which is classified as Class I milk but did not move in the manner described in subdivision (1) of this subparagraph or in subparagraph (2) (i) of this paragraph, shall be 2 cents per hundredweight for each 15 miles or fraction thereof that such approved plant is located more than 70 miles from the City Hall in Chicago, but not to exceed a total credit of 42 cents per hundredweight: *Provided*, That there shall be no location adjustment credit with respect to milk classified as Class I milk pursuant to § 941.4 (b) (1) (iii).

(2) The location adjustment credit with respect to that portion of milk received directly from producers at an approved plant (i) which is moved in the form of fluid cream from such approved

plant to a plant engaged in the bottling of fluid milk or fluid cream or in the manufacturing of ice cream or ice cream mix, which is located less than 70 miles from the City Hall in Chicago, or (ii) which is classified as Class II milk but did not move in the manner described in subparagraph (1) (i) of this paragraph or in subdivision (i) of this subparagraph, shall be ascertained by dividing the pounds of butterfat contained therein by 0.36 and applying to the result the applicable rate per hundredweight specified in the following table:

Distance from the approved plant to the City Hall in Chicago	Cents per hundredweight
0 to 70 miles (zone 1)-----	0
70.1 to 85 miles (zone 2)-----	5
85.1 to 115 miles (zones 3 and 4)-----	10
115.1 to 160 miles (zones 5, 6, and 7)---	20
160.1 to 220 miles (zones 8, 9, 10, and 11)-----	30
220.1 to 250 miles (zones 12 and 13)-----	35
250.1 to 310 miles (zones 14, 15, 16 and 17)-----	40
310.1 and over (zones 18 and over)-----	50

(3) The burden rests upon the handler who received the milk from producers to prove to the market administrator that the conditions required for the receiving of location adjustment credits have been fulfilled.

(4) All mileages described in subparagraphs (1) and (2) of this paragraph shall be computed by the market administrator by rail or highway distance, whichever is shorter.

5. Delete § 941.6 (b) and substitute therefor the following:

(b) *Payment for milk received from sources determined as other than from producers or other handlers.* The market administrator in computing the value of milk for each handler pursuant to § 941.7 shall add an amount determined by multiplying the pounds of milk purchased or received from sources determined as other than producers or other handlers by the difference between the value of such milk pursuant to its allocation in § 941.4 (f) (3) and the value of such milk at the lowest announced price per hundredweight of milk applicable for the delivery period. This provision shall not apply if such handler can prove to the market administrator that such milk was used for purposes which did not violate any regulations issued by the various health authorities in the marketing area.

6. Delete § 941.8 (b) and substitute therefor the following:

(b) *Location adjustment to producers.* In making payments to producers pursuant to paragraph (a) (2) of this section, each handler shall deduct per hundredweight of milk purchased or received from producers at a plant located more than 70 miles from the City Hall in Chicago, 2 cents for each 15 miles or fraction thereof: *Provided*, That all such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

7. Delete § 941.8 (c) and substitute therefor the following:

(c) *Butterfat differential to producers.* For each one-tenth of 1 percent above or below 3.5 percent in average

butterfat content of milk delivered by any producer during any delivery period, the uniform price paid to such producer shall be plus or minus, as the case may be, an amount computed as follows: To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the delivery period during which the milk was received, add 20 percent, divide the result obtained by 10, and adjust to the nearest $\frac{1}{10}$ cent.

[F. R. Doc. 50-1234; Filed, Feb. 10, 1950; 8:50 a. m.]

[7 CFR, Part 969]

[Docket No. AO-172-A3]

HANDLING OF MILK IN SUBURBAN CHICAGO, ILL., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was conducted at Chicago, Illinois, on November 16, 17, 18, 21 and 22, 1949, pursuant to notice thereof which was issued on November 2, 1949 (14 F. R. 6663).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on January 13, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of said decision and opportunity to file written exceptions thereto was published in the *FEDERAL REGISTER* on January 14, 1950 (15 F. R. 262).

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 50-509, 15 F. R. 262) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein.

Rulings on exceptions. Within the period reserved for filing exceptions, exceptions were submitted on behalf of the Borden Company. These exceptions have been fully considered in conjunction with the record evidence on the issues to which they pertain. Some revisions of the amendment action to be taken with respect to the formula price for Class IV milk have been decided herein in conformity with the conclusion that the Class IV milk price formula adopted for the Chicago order should be included in the Suburban Chicago order. As a result of exceptions received under the proceedings concerned with amendment of the Chicago order, such changes are adopted in a concurrent decision. Otherwise the exceptions are overruled.

In addition to proposals relating to the issues listed in the recommended decision, the hearing notice contained a proposal to change the classification of "butter cream" and "sour cream" from Class II milk to Class III milk. The proponents of such proposal did not testify in its behalf and requested that it be withdrawn. It is determined that no affirmative action should be taken on this proposal.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of November 1949 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Suburban Chicago, Illinois, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Suburban Chicago, Illinois, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Suburban Chicago, Illinois, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the *FEDERAL REGISTER*. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order

which will be published with this decision.

This decision filed at Washington, D. C., this 8th day of February 1950.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

Order¹ Amending the Order, as Amended, Regulating the Handling of Milk in the Suburban Chicago, Illinois, Marketing Area

§ 969.0 Findings and determinations—

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, 900.1 et seq.) a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Suburban Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Suburban Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 969.4 (f) (7) and substitute therefor the following:

(7) In the event the total pounds of milk remaining in the several classes is greater, or less than the pounds of milk

received from producers (including the handler's own farm production) plus the 3.5 percent milk equivalent of butterfat overrun, reconciliation shall be effected by respectively deducting such differences from, or adding such differences to, the pounds of milk which are priced at the lowest announced price per hundredweight of milk applicable for the delivery period.

2. Delete § 969.5 (a) and substitute therefor the following:

(a) *Basic formula price.* The basic formula price to be used in computing the prices of Class I milk and Class II milk for each delivery period shall be the higher of the prices for Class III milk and Class IV milk as computed by the market administrator pursuant to subparagraphs (3) and (4) of paragraph (b) of this section for the delivery period next preceding: *Provided*, That for the first delivery period following any amendment of § 969.5 the basic formula price shall be computed pursuant to the provisions of § 969.5 as in effect prior to such amendment.

3. Delete § 969.5 (b) (3) and substitute therefor the following:

(3) *Class III milk.* The price for Class III milk shall be the highest of the prices resulting from the respective formulas set forth in subdivisions (i) and (ii) of this subparagraph and in subparagraph (4) of this paragraph: *Provided*, That the price resulting from the formula set forth in subdivision (i) of this subparagraph shall apply to that milk the butterfat from which is contained in evaporated milk, condensed milk, or whole milk powder.

(i) The average of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(ii) The price per hundredweight computed from the following formula:

(a) Multiply the simple average, as computed by the market administrator, of the daily average wholesale selling prices (using the midpoint of any price

range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period, by 6;

(b) Add 2.4 times the simple average, as published by the United States Department of Agriculture, of the prices determined per pound of "cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(c) Divide by 7;

(d) Add 30 percent thereof; and

(e) Multiply by 3.5.

4. Delete § 969.5 (b) (4) and substitute therefor the following:

(4) *Class IV milk.* The price for Class IV milk shall be that computed from the following formula:

(i) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(ii) Multiply by 8.2 the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the United States Department of Agriculture;

(iii) From the sum of the results arrived at under subdivisions (i) and (ii) of this subparagraph, subtract 67 cents.

5. Delete § 969.5 (d).

6. Delete § 969.8 (b) and substitute therefor the following:

(b) *Butterfat differential to producers.* For each one-tenth of 1 percent of average butterfat content above or below 3.5 percent in milk received from any producer or association of producers during the delivery period, the uniform price paid to such producer or association of producers shall be plus or minus, as the case may be, an amount computed as follows: To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the delivery period during which the milk was received, add 20 percent, divide the result by 10, and adjust to the nearest $\frac{1}{10}$ cent.

[F. R. Doc. 50-1235; Filed, Feb. 10, 1950; 8:50 a. m.]

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 3966 et al.]

WEST COAST AIRLINES, INC., AND UNITED AIR LINES, INC.; WEST COAST RENEWAL CASE

NOTICE OF HEARING

In the matter of the renewal and amendment of the temporary certificate of public convenience and necessity for route No. 77 held by West Coast Airlines, Inc., and the temporary suspension in part of the certificates of public convenience and necessity for routes Nos. 1 and 57 held by United Air Lines, Inc.

Notice is hereby given that the above-entitled proceeding is assigned for hearing before Examiner Ferdinand D. Moran, on March 1, 1950, at 10:00 a. m., P. s. t., in the Salem Chamber of Commerce, 147 North Liberty, Salem, Oregon, and is to be recessed for further hearing on March 13, 1950, at 10:00 a. m., e. s. t., in Conference Room "B" of the Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C.

Without limiting the scope of the issues involved in this proceeding, particular attention will be directed to whether the public convenience and necessity require:

1. Alteration, amendment, or modification of the temporary certificate held by West Coast Airlines, Inc., in whole or in part for route No. 77 for an additional period of 5 years, or less;
2. Alteration, amendment, or modification of said temporary certificate of West Coast Airlines so as to eliminate in whole or in part the points Port Townsend, Kelso, McMinnville, Roseburg, Grant's Pass, Everett, Anacortes, and Mount Vernon as intermediate points, and Bellingham as a terminal point on said route No. 77;
3. Addition of Klamath Falls, The Bend, and/or Salem as points between Portland and Medford on route No. 77;
4. Temporary suspension of the authority of United Air Lines, Inc., to serve Klamath Falls, The Bend, Salem, and/or Bellingham until November 22, 1954, or such other date as the Board shall determine.
5. Alteration, amendment, or modification of West Coast Airlines, Inc., certificate so as to permit skip-stop operations.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding must file with the Board on or before March 1, 1950, a statement setting forth the issues of fact or law to be controverted.

For further details of the matters concerned in this proceeding, interested parties are referred to the Board's opinion and order serial No. E-2984, adopted June 29, 1949; order serial No. E-3571, adopted November 15, 1949; order serial No. E-3598, adopted November 25, 1949; other orders, applications, petitions, motions, and correspondence; and the examiner's prehearing conference report on file with the Civil Aeronautics Board.

Dated at Washington, D. C., February 6, 1950.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-1233; Filed, Feb. 10, 1950; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8209, 9526]

COAST BROADCASTERS AND SEASIDE BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Deal O. Wilkins and Howard R. Marks, d/b as Coast Broadcasters, Astoria, Oregon, Docket No. 8209, File No. BP-5460; C. H. Fisher and Harvey S. Benson, d/b as Seaside Broadcasting Company, Seaside, Oregon, Docket No. 9526, File No. BP-7375; for construction permits.

The Commission having under consideration a petition filed on January 26, 1950, by Deal O. Wilkins and Howard R. Marks, d/b as Coast Broadcasters, Astoria, Oregon, requesting that the hearing on the above-entitled applications, which is now scheduled to be held in Washington, D. C., on February 28, 1950, be continued for a period of at least sixty days and that the said hearing be held at Portland, Oregon, at a date convenient to this Commission, due to business commitments of the parties thereto and the additional expense which would be caused to all of the said parties by attending a hearing in Washington, D. C.; and

It appearing, that counsel for C. H. Fisher and Harvey S. Benson, d/b as Seaside Broadcasting Company, Seaside, Oregon, has joined in the request of petitioner for a continuance of the hearing and rescheduling thereof at Portland, Oregon, at a date convenient to the Commission; and

It further appearing, that a continuance of the said hearing for a period of at least sixty days appears, under the circumstances, to be warranted, but no sufficient reasons have been advanced by the petitioner to justify the rescheduling of the hearing at Portland, Oregon;

It is ordered, This 3d day of February 1950 that the petition, insofar as it requests a continuance of not less than sixty days, be, and it is hereby, granted; and the hearing is continued to May 1, 1950, at Washington, D. C.; and

It is further ordered, That the petition, insofar as it requests that the hearing be rescheduled to be held at some future date in Portland, Oregon, be, and it is hereby, denied.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1226; Filed, Feb. 10, 1950; 8:53 a. m.]

[Docket No. 9145]

RADIO ST. CLAIR, INC.

ORDER CONTINUING HEARING

In re application of Radio St. Clair, Inc., Marine City, Michigan, for construction permit; Docket No. 9145, File No. BP-6489.

The Commission having under consideration a petition filed by Radio St. Clair, Inc., on February 1, 1950, requesting that the hearing herein now scheduled for February 13, 1950, be continued until April 13, 1950; and counsel for Summit Radio Corporation (WAKR), party respondent herein, and Commission counsel having consented to a waiver of the four-day requirement of § 1.745 of the Commission's rules and regulations so as to permit immediate consideration of said petition; and no opposition to said petition having been filed; and

It appearing, that on November 10, 1949, Radio St. Clair, Inc., filed a petition herein for leave to amend its application, for renewal of its application from hearing and for a grant without hearing; and that this petition is still pending before the Commission; and

It further appearing, that when petitions for removal from hearing and a grant without hearing are pending before it, the Commission generally, and as a matter of policy, orders an indefinite continuance of the hearing, pending its action on the petition for removal from hearing; and

It further appearing, that in accordance with this policy of the Commission the hearing herein should be continued indefinitely;

It is ordered, This 3d day of February 1950, that the petition of Radio St. Clair, Inc., requesting a continuance of the hearing now scheduled for February 13, 1950, is hereby granted in part, and the hearing herein, is hereby continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1222; Filed, Feb. 10, 1950; 8:52 a. m.]

[Docket Nos. 9419, 9420]

WAYCROSS BROADCASTING CO. AND TELETRONICS, INC.

ORDER CONTINUING HEARING

In re applications of T. W. Scott and Al H. Evans, d/b as Waycross Broadcasting Company, Waycross, Georgia, Docket No. 9419, File No. BP-7191; Teletronics, Incorporated, Waycross, Georgia, Docket No. 9420, File No. BP-7231; for construction permits.

The Commission having under consideration a petition filed on January 31, 1950, by Teletronics, Incorporated, requesting that the further hearing in the above-entitled proceeding, now sched-

uled to be held on February 6, 1950, in Washington, D. C., be continued for approximately one week; and counsel for T. W. Scott and Al H. Evans, d/b as Waycross Broadcasting Company, and counsel for the Commission having consented to a grant of said petition and to a waiver of the four-day requirement of § 1.745 of the Commission's rules and regulations;

It is ordered, This 3d day of February 1950 that the petition of Teletronics, Incorporated, for a continuance of the further hearing in the above-entitled proceeding, is hereby granted, and the further hearing herein, is hereby continued, to February 14, 1950.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1223; Filed, Feb. 10, 1950;
8:52 a. m.]

[Docket Nos. 9421, 9422]

NORTH MONTANA BROADCASTING CO.
(KOJM) AND KAVR, INC. (KAVR)

ORDER CONTINUING HEARING

In re applications of North Montana Broadcasting Co. (KOJM), Havre, Montana, Docket No. 9421, File No. BP-7134; KAVR, Incorporated (KAVR), Havre, Montana, Docket No. 9422, File No. BP-7254; for construction permits.

The Commission having under consideration a petition filed February 1, 1950, by KAVR, Inc. (KAVR), Havre, Montana, requesting that the hearing in the above-entitled matter, now scheduled for February 20, 1950, in Washington, D. C., be continued to April 17, 1950; and

It appearing, that good and sufficient cause for the requested continuance has been shown in the petition; that all parties to the proceeding and Commission Counsel have consented to the immediate consideration and grant of said petition and to waiver of § 1.745 of the Commission's rules;

It is ordered, This 3d day of February 1950 that the petition be, and it is hereby, granted, and the hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, April 17, 1950, in Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1225; Filed, Feb. 10, 1950;
8:52 a. m.]

[Docket No. 9438]

ORVILLE L. JENKINS

ORDER CONTINUING HEARING

In re application of Orville L. Jenkins, Quanah, Texas, for construction permit; Docket No. 9438; File No. BP-7071.

The Commission having under consideration a petition filed January 31, 1950, by its General Counsel, requesting indefinite continuance of the above-entitled hearing, presently scheduled for February 9, 1950, at Washington, D. C., to provide

vide time for the Commission to consider the petition of such applicant for reconsideration and grant without hearing;

It appearing, that this petition for reconsideration and grant was filed on January 12, 1950; and

It further appearing, that there are no parties to the proceeding other than the applicant and the General Counsel and no opposition to this petition has been filed;

It is hereby ordered, This 3d day of February 1950 that the petition for a continuance by the General Counsel be and it is hereby granted and the hearing herein presently scheduled for February 9, 1950, be and it is hereby continued indefinitely.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1229; Filed, Feb. 10, 1950;
8:54 a. m.]

[Docket No. 9510]

DAILY NEWS BROADCASTING CO. (WKCT)

ORDER CONTINUING HEARING

In re application of Daily News Broadcasting Company (WKCT), Bowling Green, Kentucky, for construction permit; Docket No. 9510; File No. BP-7129.

The Commission having under consideration a petition filed by the General Counsel on January 31, 1950, requesting that the hearing in the above-entitled proceeding, now scheduled for February 7, 1950, be continued indefinitely; and counsel for the applicant having consented to a grant of the petition and to a waiver of the 4-day requirement of § 1.745 of the Commission's rules and regulations so as to permit immediate consideration of the petition; and

It appearing, that on January 20, 1950, the applicant herein filed a petition for reconsideration by the Commission of its action designating the application for hearing and for a grant of the application without hearing; and that this petition is still pending before the Commission; and

It further appearing, that under the circumstances the public interest would be served by a grant of the petition;

It is ordered, This 3d day of February 1950 that the petition of the General Counsel for a continuance, is hereby granted, and the hearing herein now scheduled for February 7, 1950, is hereby continued indefinitely.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1224; Filed, Feb. 10, 1950;
8:52 a. m.]

[Docket No. 9521]

NORTHERN ALLEGHENY BROADCASTING
CO. (WNAE)

ORDER CONTINUING HEARING

In re application of Northern Allegheny Broadcasting Company (WNAE),

Warren, Pennsylvania, for construction permit; Docket No. 9521, File No. BP-7102.

The Commission having under consideration a motion filed January 26, 1950, by Northern Allegheny Broadcasting Company (WNAE) for a continuance for 60 days of the hearing in the above-entitled proceeding which is now scheduled to be heard on February 15; and

It appearing that the application now on file requests authority to change hours of operation of Station WNAE (1310 kc) from 1 kw daytime only to unlimited time to permit operation with power of 100 watts after local sunset and the applicant desires additional time within which to complete an engineering study as to the feasibility of operating at night with power of 500 watts, using a directional antenna, and that following this study the application may be amended; and

The General Counsel having consented to the requested continuance;

It is ordered, This the 3d day of February, 1950 that the motion for continuance, filed January 26, 1950, by the Northern Allegheny Broadcasting Company (WNAE) is granted and hearing on the above-entitled application now scheduled to begin February 15, 1950, is continued to April 17, 1950, at 10:00 a. m., in the offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1228; Filed, Feb. 10, 1950;
8:53 a. m.]

[Docket Nos. 9529, 9530]

OWATONNA BROADCASTING CO. AND WMIN
BROADCASTING CO. (WMIN)

ORDER CONTINUING HEARING

In re applications of Owatonna Broadcasting Company, Owatonna, Minnesota, Docket No. 9529, File No. BP-7347; WMIN Broadcasting Company (WMIN), St. Paul, Minnesota, Docket No. 9530, File No. BP-7385; for construction permits.

The Commission having under consideration a petition filed January 31, 1950, by WMIN Broadcasting Company (WMIN), St. Paul, Minnesota, requesting that the above-entitled consolidated hearing now scheduled to be heard on March 1, 1950, be continued for 60 days; and

It appearing that the petitioner is now in the process of preparing an amendment to the application to specify a new transmitter site and that it will be unable to conclude arrangements for such a site and prepare the revised engineering data prior to March 1, 1950; and

Counsel for Owatonna Broadcasting Company and the General Counsel of this Commission having consented to the requested continuance and agreed to waive the provisions of § 1.745 of the Commission's rules in so far as said rules relate to the requirement that a petition be on file for four days before being acted upon;

It is ordered, This the 3d day of February 1950 that the petition for continuance, filed January 31, 1950, by WMIN Broadcasting Company is granted, and the hearing now scheduled to begin on March 1, 1950, is continued to May 1, 1950, at 10:00 a. m., in the offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1227; Filed, Feb. 10, 1950;
8:53 a. m.]

[Docket No. 9547]
CITY OF CAMDEN (WCAM)
ORDER CONTINUING HEARING

In re application of City of Camden (WCAM), Camden, New Jersey, for construction permit; Docket No. 9547, File No. BP-6854.

The Commission having under consideration a petition filed January 20, 1950, by City of Camden (WCAM), Camden, New Jersey, requesting a continuance of the hearing presently scheduled for March 16, 1950, at Washington, D. C., in the proceeding on its above-entitled application for construction permit; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 27th day of January 1950 that the petition is granted; and that the hearing on the above-entitled application is continued indefinitely.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-1221; Filed, Feb. 10, 1950;
8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6263]

GREEN MOUNTAIN POWER CORP.

NOTICE OF DECLARATION OF INTENTION

FEBRUARY 7, 1950.

Notice is hereby given that Green Mountain Power Corporation of Montpelier, Vermont, has filed a declaration of intention pursuant to section 23 (b) of the Federal Power Act (16 U. S. C. 817) to construct a hydroelectric power plant on Waterbury (or Little) River in Washington County, Vermont, just below the dam which forms the existing Waterbury flood-control and conservation reservoir. The plant, which would utilize water from the reservoir, would consist of a reinforced concrete and brick building housing a 6,600-horsepower turbine and a 4,500-kilowatt generator; a step-up substation through which the generating unit would be connected with the declarant's transmission system; and appurtenant facilities, including remote-control equipment. The average head would be about 130 feet.

The energy generated would be distributed through the declarant's transmission system for public-utility purposes.

The proposed development will be investigated by the Commission and if, upon such investigation, the Commission finds that the interests of interstate or foreign commerce would be affected, or that any lands of the United States would be affected thereby, construction may not be commenced until a license has been applied for and obtained.

Any communication from persons interested in this matter may be submitted within 30 days from publication of this notice, addressed to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1195; Filed, Feb. 10, 1950;
8:45 a. m.]

[Docket Nos. G-655, G-1051, G-1019]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 6, 1950.

On November 25, 1949, El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at El Paso, Texas, filed a supplemental application with the Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, and the abandonment and modification of facilities heretofore constructed and as authorized in Docket Nos. G-655, G-1051 and G-1019, all as described in the application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard without the necessity of a formal hearing, and on January 27, 1950, filed supplemental information wherein it limited the request for hearing under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure to that part of the application other than to facilities relating to the Snyder or Scurry County pipe line and to the looping of the 24-inch Dumas pipe line, being specifically Items 1 (b), 2 (1), 3 (1), and 4 (h) of paragraph C in the application. No request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 20, 1949 (14 F. R. 7604).

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure except as to that part of the application above mentioned relating to facilities set forth in Items 1 (b), 2 (1), 3 (1) and 4 (h) of paragraph C.

(2) It is reasonable and good cause exists to forthwith hear this matter due to the nature and reasons for the modification of authorization heretofore

granted in Docket Nos. G-655, G-1051 and G-1019.

The Commission orders:

(A) Pursuant to the authorization contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing be held on February 14, 1950, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, save and except as to the facilities referred to in Items 1 (b), 2 (1), 3 (1) and 4 (h) of paragraph C therein: And provided, however, That the Commission may after a non-contested hearing forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: February 7, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-1193; Filed, Feb. 10, 1950;
8:45 a. m.]

[Docket No. G-1248]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF AMENDMENT TO APPLICATION

FEBRUARY 7, 1950.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation, having its principal place of business at Houston, Texas, on February 3, 1950 filed an amendment to its application for a certificate of public convenience and necessity filed August 2, 1949.

Applicant proposes to construct and operate approximately 682.1 miles of loop pipeline along its existing main line between compressor Station No. 0 and Compressor Station No. 14; approximately 24.5 miles of loop pipeline along its San Salvador extension; and approximately 80 miles of loop pipeline along its Buffalo extension, of which approximately 660.8 miles will be 30-inch O. D. and approximately 125.8 miles will be 26-inch O. D. pipe; approximately 303 miles of 24-inch O. D. main pipeline from the temporary terminus of its authorized Buffalo extension in Erie County, New York, easterly to a terminus on the New York-Massachusetts state line; additional compressor units in existing or authorized compressor stations totaling 69,600 horsepower and seven new compressor stations totaling 42,000 horsepower; approximately 75 miles of 8-inch miscellaneous lateral lines to connect additional gas supplies; and check and sales meter stations on its pipe line system.

Proposed construction, together with existing and authorized facilities, are deemed adequate to increase capacity of

Applicant's system to approximately 1,310,000 Mcf per day.

Applicant proposes to use such new and additional facilities to provide additional quantities of natural gas to existing customers, or their affiliates, and to one new customer along the route of its present pipe line and also to make natural gas available to companies that now distribute manufactured gas in Ohio, New York, and the New England States. In addition, Applicant has allocated 17,000 Mcf per day for whichever company is certified by the Federal Power Commission to serve the north-eastern Ohio area. The remaining 12,000 Mcf of the 250,000 Mcf proposed increased capacity is for service to various small towns and communities located along Applicant's transmission system.

Overall capital cost of all the new facilities proposed is estimated to be approximately \$118,644,000.

Applicant proposes to charge rates for the proposed service in accordance with its approved Gas Tariff on file with the Commission in zones presently served and in accordance with new rate schedules which will be filed for new zones not now served.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER.

The application and the amendment thereto are on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.

[P. R. Doc. 50-1197; Filed, Feb. 10, 1950;
8:45 a. m.]

[Docket No. G-1322]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

FEBRUARY 7, 1950.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on February 3, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation near the City of Albion, Michigan, of a meter and necessary measuring equipment and the establishment of a physical connection between its facilities and a proposed new 8-inch pipe line to be constructed by Corning Glass Works (Corning), extending from the point of physical connection of facilities to a proposed new plant to be constructed by Corning at Albion, Michigan.

Applicant proposes through the facilities above described to deliver to Corning quantities of natural gas not exceeding 6,000 Mcf per day for use by Corning for fuel purposes in the operation of its proposed new plant. The delivery of natural gas is to be made on an interruptible

basis and service is to commence not later than July 1, 1950.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.

[P. R. Doc. 50-1196; Filed, Feb. 10, 1950;
8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 31-569, 70-2296-2298]

AMERICAN POWER & LIGHT CO. ET AL.

ORDER GRANTING AND PERMITTING DECLARATION AND APPLICATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of February A. D. 1950.

In the matter of American Power & Light Company, File No. 70-2298; Bear, Stearns & Company, File No. 70-2296; A. C. Allyn and Company, Incorporated, File No. 70-2297; B. J. Van Ingen & Co., Inc., et al., File No. 31-569.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application (File No. 70-2298) pursuant to the Public Utility Holding Company Act of 1935 regarding the sale of all of its holdings of the common stock of Pacific Power & Light Company ("Pacific"), an electric utility subsidiary of American, and having requested, among other things, an exemption from the competitive bidding requirements of Rule U-50 with respect to such proposed sale; and

B. J. Van Ingen & Co., Inc., and others having filed an application (File No. 31-569) pursuant to section 3 (a) (4) of the act for an exemption from all of the provisions of the act applicable to registered holding companies other than section 9 (a) (2); and

Bear, Stearns & Co., A. C. Allyn and Company, Incorporated, and the Donner Corporation, having each filed applications pursuant to section 9 (a) (2) of the act, with respect to the acquisition by each of certain shares of the common stock of Pacific; and

The Commission having previously, by notice of filing and order for hearing and order for consolidation, issued January 6, 1950, directed that a consolidated hearing be held upon said declaration and applications, and that public notice be given thereof; and

The Commission having previously directed that evidence be received initially at said hearing with respect to whether the proposed sale of common stock of Pacific by American should be exempted from the competitive bidding requirements of paragraphs (b) and (c) of Rule U-50, and a public hearing having been

held with respect to such issue, and the Commission having ordered, on January 27, 1950, that an exemption from the competitive bidding requirements of paragraphs (b) and (c) of Rule U-50 be granted, subject to the condition, however, that full and free negotiations be conducted by American under competitive conditions with any interested persons, including the respective groups then headed by B. J. Van Ingen & Co., Inc., and Allen & Company, and having declared in such order that a certain provision in a contract dated January 4, 1950, between American and B. J. Van Ingen & Co., Inc., having the effect of preventing full and free negotiation by American with all interested persons for the common stock of Pacific, was null and void; and

Further hearings having been scheduled for January 31, 1950, which hearings, pursuant to requests made by American, were thereafter adjourned to February 2, 1950; and

American having filed, on February 2, 1950, prior to the convening of said hearings, an amendment setting forth that subsequent to the issuance of said order dated January 27, 1950, it had received two proposals which may be summarized as follows:

(a) A proposal by a group headed by A. C. Allyn & Company, Incorporated and Bear, Stearns & Co., offering the sum of \$16,125,000 in cash for the common stock of Pacific; and

(b) A proposal by a group headed by Allen & Company for the purchase of the common stock of Pacific for a consideration consisting of \$15,525,000 in cash, plus an amount equal to two-thirds of the net profits, in excess of expenses, and 10% of the purchase price, realized by the purchasing group from the resale of the shares of such stock of Pacific, such net profits and such purchase price being more fully defined in the proposed contract attached to said amendment;

American having in said amendment requested that the Commission authorize American to accept the offer of the group headed by A. C. Allyn & Company, Incorporated and Bear, Stearns & Co. (summarized in (a) above); and

An amendment having been filed on February 2, 1950 to the application for exemption of B. J. Van Ingen & Company, Inc., and others (File No. 31-569) which amendment recites the making by the group headed by A. C. Allyn & Company, Incorporated and Bear, Stearns & Co., of the offer to purchase the stock of Pacific, referred to above, and requests an exemption under section 3 (a) (4) of the act from all the provisions of the act applicable to registered holding companies other than section 9 (a) (2) thereof for the purchase by such proposed group, and said applicants for exemption having stipulated that they will dispose of their interest in Pacific or completely liquidate it within two years from the date of any order granting said application, that they will give ten days' notice to this Commission of any transaction with respect to Pacific which, but for such exemption, would require an application or declaration under the provisions of sections 6 and 7 of said act, and

that the Commission shall have the right to notify said applicants within such ten-day period to modify such transaction, and that, unless such modification is made, the transaction shall not be carried out during the pendency of any proceedings which the Commission may institute during an additional ten-day period to determine whether such exemption should be modified or revoked.

Public hearings having been held, commencing February 2, 1950, evidence having been offered by American and by each of the prospective purchasing groups, all other interested persons having had an opportunity to offer evidence and to cross-examine witnesses, the record having been closed with respect to these consolidated proceedings, a Trial Examiner's report and briefs having been waived by all participants, and oral argument having been held before the Commission; and

The Commission finding, with respect to the proposed sale by American of its holdings of the common stock of Pacific to the group headed by A. C. Allyn and Company, Incorporated, and Bear, Stearns & Co., that the applicable requirements of the act and rules and regulations thereunder regarding the consideration to be received for such sale, the maintenance of competitive conditions, fees, commissions, accounts, disclosure of interest, and other matters have been complied with, and that the transaction as proposed is appropriate in the public interest and for the protection of investors and consumers, and the Commission finding that it is in the public interest and in the interest of investors and consumers that an order should be entered permitting the declaration regarding such sale to become effective; and

The Commission finding, with respect to the applications of Bear, Stearns & Co., A. C. Allyn and Company, Incorporated, and the Donner Corporation, pursuant to section 9 (a) (2) of the act, that the proposed acquisitions meet the standards of section 10 and other applicable requirements of the act and the rules and regulations thereunder, and finding with respect to the application by B. J. Van Ingen & Co. Inc., and others for exemption, pursuant to section 3 (a) (4) of the act from all the provisions of the act applicable to holding companies other than section 9 (a) (2), that such purchasing group will, under the proposed transactions, be temporarily a holding company solely by reason of the acquisition of securities for purposes of liquidation or distribution in connection with a bona fide arrangement for the underwriting or distribution of securities and that, subject to the stipulation hereinbefore summarized, the granting of said applications is consistent with the public interest and with the interest of investors and consumers and that said applications may be granted; and

The Commission having under preparation its formal findings and opinion herein setting forth the reasons for the action herein ordered, and finding that it is in the public interest and in the interest of investors and consumers that this order issue forthwith without awaiting

publication of said formal findings and opinion;

It is hereby ordered, That the declaration of American regarding the sale of all of its holdings of the common stock of Pacific Power & Light Company to the group headed by A. C. Allyn and Company, Incorporated, and Bear, Stearns & Co. be, and the same is hereby permitted to become effective, and the applications of Bear, Stearns & Co., A. C. Allyn and Company, Incorporated, and the Donner Corporation be, and the same are hereby granted, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the application for exemption pursuant to section 3 (a) (4) of the act, as amended, be, and the same is hereby granted, subject to the terms of the stipulation summarized above.

American having requested the Commission to enter an order approving the proposed sale and transfer of the common stock of Pacific Power & Light Company, reciting that such sale and transfer are necessary or appropriate to the integration or simplification of the holding company system of which American is a member or necessary or appropriate to effectuate the provisions of section 11 (b) of the act, in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof, and it appearing appropriate to the Commission that such order and recital be made;

It is hereby ordered and recited, That the transactions proposed in American's declaration, namely, the sale and transfer by American of the 500,000 shares of the common stock of Pacific now owned by American to the group headed by A. C. Allyn and Company, Incorporated, and Bear, Stearns & Co., and the receipt by American of the consideration therefor, namely, \$16,125,000 in cash are necessary and appropriate to the integration or simplification of the holding company system of which American is a member, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and the orders of the Commission previously entered thereunder, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

It is further ordered, That jurisdiction be, and is hereby, reserved with respect to the disposition by American of the proceeds to be received from the sale, and to enter such further order as may be appropriate requiring the distribution of such proceeds to stockholders or otherwise.

It further appearing to the Commission that it is in the public interest and in the interest of investors and consumers that this order become effective forthwith, and all participants having stipulated that an order may be issued without awaiting the period of thirty days prior to the effective date thereof otherwise provided, and that good cause exists for the issuance of such order forthwith:

It is further ordered, That this order shall be issued and become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 50-1217; Filed, Feb. 10, 1950;
8:49 a. m.]

[File No. 70-2227]

UNION ELECTRIC CO. OF MISSOURI

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of February 1950.

The Commission having, by orders dated October 20, 1949, and November 2, 1949, permitted to become effective the declaration, as amended, of Union Electric Company of Missouri, a registered holding company and a public utility subsidiary of The North American Company, also a registered holding company, with respect to the issuance and sale at competitive bidding of 150,000 shares of Preferred Stock, \$4.00 Series; and

The Commission having reserved jurisdiction with respect to fees and expenses to be paid for legal services in connection with the proposed transactions; and

The record having been supplemented with respect to fees in the amount of \$2,750 requested by Iggoe, Carroll & Keefe, counsel for the company, and fees and expenses in the amounts of \$8,500 and \$1,050, respectively, requested by Cahill, Gordon, Zachry & Reindel, counsel for the underwriters; and

The Commission having examined the statements filed in support of such fees and expenses and finding that the amounts requested are not unreasonable and that the jurisdiction heretofore reserved with respect thereto should be released:

It is ordered, That jurisdiction heretofore reserved herein with respect to fees and expenses to be paid for legal services be, and the same hereby is, released.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 50-1218; Filed, Feb. 10, 1950;
8:49 a. m.]

[File No. 70-2305]

ATHOL GAS AND ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of February A. D. 1950.

New England Electric System ("NEES"), a registered holding company, and its public utility subsidiary, Athol Gas and Electric Company ("Athol"),

having filed a joint application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 10 thereof and Rule U-42 (b) (2) of the rules and regulations promulgated thereunder, with respect to the following proposed transactions:

Athol proposes to issue and sell for cash to NEES 1,800 shares of its Capital Stock (par value \$100 per share) in the aggregate par value of \$180,000. Such additional shares are to be offered to NEES, the sole stockholder of Athol, at the price of \$125 a share, an aggregate of \$225,000. NEES proposes to acquire such shares and will use available cash for such purpose.

Athol is indebted to NEES in the amount of \$175,000. Such indebtedness consists of advances payable on demand on which no interest is being charged. Athol also presently has outstanding a \$45,000 short-term note, payable to the First National Bank of Boston, bearing interest at the rate of 2½% per annum, and maturing April 26, 1950. The note carries the privilege of prior payment in whole or in part with pro rata adjustment in interest.

Athol proposes to use part of the proceeds from the sale of additional shares of capital stock to pay its indebtedness aggregating \$220,000 as indicated in the preceding paragraph; the balance of the proceeds (after the payment of expenses in connection with the proposed issuance and sale of Capital Stock) will be applied, to the extent available, toward the payment of the cost of capitalizable extensions, enlargements and additions to plant and property of Athol subsequent to October 31, 1949.

The Massachusetts Department of Public Utilities has approved the issue by Athol of the additional shares of capital stock at the price of \$125 a share.

Incidental services in connection with the proposed transactions by Athol and NEES will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof. The cost of Athol and NEES of such services is estimated not to exceed \$1,000 and \$200 respectively. Total expenses to be borne by Athol are estimated at \$1,288.

Applicants request that the Commission's order become effective upon the issuance thereof.

Said application having been filed on January 11, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in compliance with the applicable standards of the act, that no adverse findings are necessary in connection therewith and the Commission deeming it appropriate that said application be granted without the imposition of any terms and conditions other than those contained in Rule U-24 and the Commission also deeming it ap-

propriate to grant applicants' request that the order herein become effective forthwith upon its issuance:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said application be, and the same hereby is, granted forthwith, subject to the terms and conditions contained in Rule U-2.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 50-1219; Filed, Feb. 10, 1950;
8:50 a. m.]

[File No. 70-2313]

NORTHERN BERKSHIRE GAS CO. AND NEW
ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 6th day of February A. D. 1950.

Notice is hereby given that a joint application has been filed with the Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary, Northern Berkshire Gas Company ("Northern Berkshire"). Applicants designate sections 6 (b) and 10 of the act and Rule U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 15, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 15, 1950, said application, as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Northern Berkshire proposes to issue and sell for cash to NEES 6,400 shares of additional common stock (par value \$100 per share) of the aggregate par value of \$640,000. Such additional shares are to be offered to NEES, the sole stockholder of Northern Berkshire, at the price of \$125 a share, an aggregate of \$800,000. NEES proposes to acquire such shares and will use available cash for such purpose.

Northern Berkshire is indebted to NEES in the amount of \$175,000. Such indebtedness consists of advances, \$125,-

000 of which bears interest at the rate of 3% per annum and the remainder, \$50,000, is non-interest bearing. Northern Berkshire also has outstanding \$620,000 of short-term promissory 2¼% notes, due May 31, 1951. The proceeds from the sale of additional shares of common stock will be used to retire such indebtedness and to pay the expenses for services rendered in connection with the proposed issuance and sale of the common stock; the balance of the proceeds will be applied to the extent available toward the payment of the cost of extensions, enlargements, and additions to plant and property subsequent to October 31, 1949.

The application states that the Massachusetts Department of Public Utilities has approved the proposed issuance and sale of common stock by Northern Berkshire at the price of \$125 per share.

Incidental services in connection with the proposed transactions by Northern Berkshire and NEES will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof. The cost to Northern Berkshire and NEES of such services is estimated not to exceed \$1,000 and \$200, respectively. Total expenses to be borne by Northern Berkshire are estimated at \$2,024.

Applicants request that the Commission's order become effective upon the issuance thereof.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 50-1216; Filed, Feb. 10, 1950;
8:49 a. m.]

[File No. 812-634]

AMERICAN GENERAL CORP. ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of February A. D. 1950.

In the matter of American General Corporation, the Morris Plan Corporation of America, the Des Moines Morris Plan Company, File No. 812-634.

Notice is hereby given that the Morris Plan Corporation of America (Morris Plan), 103 Park Avenue, New York, New York, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 requesting an order exempting from the provisions of section 17 (a) of the act, the proposed purchase by the Des Moines Morris Plan Company (Des Moines), 401 Sixth Avenue, Des Moines, Iowa, from Morris Plan, of 500 shares of the capital stock of Des Moines. The proposed purchase price is \$160 per share or an aggregate cash consideration of \$80,000.

American General Corporation is a registered investment company with offices at 103 Park Avenue, New York, New York. American General Corporation owns in excess of 60% of the voting stock of Morris Plan. Morris Plan owns 25% of the outstanding capital stock of Des Moines. The proposed transaction in-

volves the purchase by an affiliated person of an affiliated person of a registered investment company, from a controlled person of such investment company, of securities of which the seller is not the issuer. Such a transaction is made unlawful by section 17 (a) of the act unless an exemption therefrom is granted by the Commission under section 17 (b) of the act. Accordingly, Morris Plan requests an order pursuant to section 17 (b) exempting the proposed transaction from the prohibitions of section 17 (a) of the act.

Des Moines was organized under the laws of the State of Iowa in 1916. The predecessor company of Morris Plan acquired by subscription 25% of the original capital stock of Des Moines and Morris Plan has continued to hold this percentage of Des Moines' outstanding capital stock. At the present time, Morris Plan holds 500 shares out of the 2,000 outstanding shares of capital stock, \$100 par value per share, of Des Moines. The principal business of Des Moines consists of making co-maker and collateral loans and the company has operated at a profit since its inception. The application states that there is no established market for the capital stock of Des Moines. However, the applicant contends that the true book value of such stock amounts to \$160 per share, after making allowance for an alleged overstatement of \$80,000 in the company's reserve for losses. It is further stated that an amount somewhat in excess of \$160 per share would be realized upon liquidation of Des Moines but that no intention exists of liquidating the company. The applicant asserts, therefore, that the proposed purchase price of \$160 per share, which amounts to a total purchase price of \$80,000, is fair and reasonable.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after February 23, 1950, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than February 21, 1950, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

No. 29—4

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 50-1214; Filed, Feb. 10, 1950;
8:48 a. m.]

[File No. 812-639]

PALLAS CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 6th day of February A. D. 1950.

Notice is hereby given that Pallas Corporation of New York City has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting it from all the provisions of the act.

Section 6 (c) of the act provides in pertinent part that the Commission by order upon application may conditionally or unconditionally exempt any person from any provision or provisions of the act or any rule or regulation thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

It appears from the application that Pallas Corporation was organized under the laws of New York on June 25, 1946, for the purpose of taking over the assets of a group of foreign investors; that it has an authorized capital stock of 50,000 common shares, par value \$100, of which 32,351 shares are now outstanding; that its principal activities are the management, investment and reinvestment of its assets primarily in marketable securities and to a limited extent, the stimulation and assistance in development of new enterprises; that as of September 30, 1949, approximately 93% of its total assets was invested in cash, U. S. Treasury Bills and listed securities; that more than 95% of its stock is beneficially owned by non-resident aliens, the remainder being owned by two individuals connected with the management of Pallas Corporation; and that no stockholder beneficially owns more than 5% of its outstanding stock with the exception of a foreign corporation which owns 29.4%.

Pallas Corporation asserts as the bases for the requested exemption that it has never made and does not intend to make a public offering of its securities; that no stockholder is an issuer of securities which have been or are contemplated to be publicly offered in the United States; that it does not exercise and does not propose to exercise stock control of American enterprises, except for a small commitment as venture capital which, as a matter of policy, will be limited to less than 10% of its assets.

Pallas Corporation has agreed that the requested exemption may be made subject to the following conditions:

1. That not more than 120 days after the close of each fiscal year, including the last fiscal year, Pallas Corporation

shall file with the Commission an annual report setting forth such information as would be required by Items 13, 14, 15, 16, 17, 21, 49, 50, and 66 of Form N-30A-1 under the Investment Company Act of 1940;

2. That Pallas Corporation shall report to the Commission any acquisition of the securities of an American company which would result in presumptive control of such company under the Investment Company Act of 1940, within ten days of such acquisition; and

3. That Pallas Corporation shall not be relieved from the operation of the Investment Company Act of 1940 if, at any time, the facts upon which the exemption is based materially change.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the matters of fact and law asserted.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission on or at any time after February 17, 1950, unless prior thereto a hearing upon the application is ordered by this Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than February 15, 1950, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 50-1215; Filed, Feb. 10, 1950;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 24851]

ALL FREIGHT FROM ATLANTA, GA., AND
BIRMINGHAM, ALA.

APPLICATION FOR RELIEF

FEBRUARY 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1073.

Commodities involved: All freight, mixed carloads.

From: Atlanta, Ga., and Birmingham, Ala.

To: Memphis, Tenn., Cincinnati, Ohio, St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1073, Supplement 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1199; Filed, Feb. 10, 1950;
8:45 a. m.]

[S. O. 844, Special Directive 22]

NEW YORK CENTRAL RAILROAD CO.

FURNISHING CARS FOR FUEL COAL TO DESIGNATED MINES ON THE LINES

On February 6, 1950, the New York Central Railroad Company certified, through its proper officer, that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the New York Central Railroad Company is directed:

(1) To furnish weekly to the individual mines listed in Appendix A or, where so indicated to groups of mines whose output is controlled by companies or corporations sufficient cars suitable for the transportation of the required number of tons of the type of coal described.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the New York Central Railroad Company is supplied.

A copy of this special directive shall be served on the New York Central Railroad Company through the Car Service Division

of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February A. D. 1950.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

APPENDIX A MINES ON NEW YORK CENTRAL

Pennsylvania Division			
Company	Mine	Grade	Number of tons weekly
Coleman & Co.	Lost Run	Run of mine	420
F. R. & H. L. Harrington	Harrington No. 1	do	900
W. M. Hollenback	Aradia No. 43	do	1,080
Do	Fisher	do	3,000
Peale, Peacock & Kerr	Ogle No. 9, Victor No. 9, Victor No. 19 and No. 20	do	1,080
Bradford Coal Co.	Bradford No. 4	do	600
Coal Hill Mining Co.	Sugar Camp	do	300
Do	Jury No. 1	do	180
Currie & Campbell	Elba No. 4	do	120
Quinnell Coal Co.	Condale	do	60
Morrisdale Coal Mining Co.	Morrisdale No. 4	do	600
Woolridge Coal Co.	Woolridge No. 2	do	600
Do	Mount Carmel No. 1	do	840
Do	Orehead No. 6	do	480
Pennsylvania C. & C. Co.	Purdee No. 22 and No. 46	do	420
Schnary Coal Co.	Belfast No. 14	do	780
Clearfield Bituminous Coal Co.	6 Mines	do	10,380
United Eastern Coal Sales Co.	Watson	do	180
Do	Lost Run	do	180
Do	Central Moshannon	do	300
Do	Lanark No. 1	do	120
Do	Bailey	do	480
Do	Walker No. 2	do	180
Do	Belfast No. 14	do	180
Do	Kyler	do	180
Do	Pooler & Doran	do	120
			34,140

Franklin Division			
C. L. Ames Coal Co.	Mays	Run of mine	1,200
Central West Coal Co.	Rapp & Lackey	do	360
Do	P & G	do	120
Crown Coal & Coke Co.	Clarion	do	1,140
Valley Coal Co.	Myers	do	600
			3,480

Alliance Branch			
Pittsburgh Consolidation Coal Co.	Piney Fork	Egg	9,720
Cleveland-Cliffs Iron Co.	Marion & Dyco	Run of mine	2,700
United Fuel Co.	Jenkins	do	60
Pittsburgh & Ohio C. Co.	Pando (Culbertson)	do	780
W. H. Warner & Co., Inc.	Wolf Run	do	2,640
Do	do	Egg	420
Central West Coal Co.	Lisbon	Run of mine	600
Clearfield Bituminous Coal Co.	Apex	do	6,240
			23,580

Ohio Central Division			
W. H. Warner & Co., Inc.	Hurricane	Egg	1,860
Valley Camp Coal Co.	Nos. 702, 703, 704	Run of mine	2,700
Do	do	Egg	900
Berwind Fuel Co.	Hobart	Run of mine	420
Snyder & Swanson, Inc.	Sunnyhill	Egg	2,700
Capitol Fuel Co.	Misco	Run of mine	8,940
New York Coal Sales Co.	No. 25	do	2,100
Do	J. T. and S. & S.	do	1,200
Sunny Creek Coal Co.	Holbein	do	600
Do	No. 255	do	840
Do	No. 219	do	1,440
Do	No. 15	do	1,680
Do	Washer	do	240
Do	J. Cook	do	300
Do	Gilchrist	do	480
Do	H. P. W.	do	180
Do	Cornett-Ward	do	600
Do	Hemlock	do	120
Do	Stobart	do	120
Do	Brownfield	do	240
Do	Phillips	do	60
			27,840

MINES OF NEW YORK CENTRAL—continued

C. C. & St. L. Ry.

Company	Mine	Grade	Number of tons weekly
Deep Vein Coal Co.	Ditney Hill	Egg	2,460
Enos Coal Mining Co.	Enos	do	4,920
Inter-State Coal Co. Inc.	Blackfoot	do	3,540
Republic Coal & Coke Co.	Ayrshire-Patoka	do	8,040
Tecumseh Coal Co.	Tecumseh	do	7,740
Binkley Coal Co.	Big Creek	do	1,740
Central Fuel Corp.	Landrey	do	720
Midwest Fuel Co.	Winslow	do	1,080
Zimmerman Coal Co.	Cedar Valley & Royal Splint	do	540
Ender Coal & Coke Co.	Bluebird	Run of mine	2,820
Do.	do	Egg	1,140
Rivley Coal Co.	Rivley	do	300
Shippers Fuel Co.	Rex	do	1,080
Wasson Coal Co.	Wasson	do	300
Sahara Coal Co.	No. 6	do	6,480
Do.	No. 16	Run of mine	3,600
Peabody Coal Co.	Pana	do	120
Do.	No. 43, 47	Egg	180
Nokomis Coal Co.	Nokomis	do	4,080
Lafayette Coal Co.	Livingston	do	260
			49,340

[F. R. Doc. 50-1203; Filed, Feb. 10, 1950; 8:46 a. m.]

[S. O. 844, Special Directive 23]

LOUISVILLE AND NASHVILLE RAILROAD CO.

FURNISHING CARS FOR FUEL COAL FOR NEW YORK CENTRAL RAILROAD CO.

On February 6, 1950, the New York Central Railroad Company certified, through its proper officer, that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the Louisville and Nashville Railroad Company is directed:

To furnish weekly to the individual mines listed in Appendix A or, where so indicated to groups of mines whose output is controlled by companies or corporations, sufficient cars suitable for the

transportation of the required number of tons of the type of coal described.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above named tonnage of locomotive fuel coal certified as necessary by the New York Central Railroad Company is supplied.

A copy of this special directive shall be served on the Louisville and Nashville Railroad Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February A. D. 1950.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

APPENDIX A

Name of mine	Company	Grade	Average weekly tonnage
Blue Diamond	Blue Diamond Coal Co.	8" run of mine	960
Bluebird No. 1	Blue Grass Coal Co.	do	300
Columbus No. 5	Columbus Mining Co.	do	180
Saxton	Garland Coal Co.	Run of mine	60
Harvey	Holmes Darst Coal Co.	do	240
Sculdy	Kearns Coal Co.	do	600
Seco No. 1, LaViers No. 2	Middle West Coal Co.	8" run of mine	240
Sunfire	Midland Coal Corp.	do	180
Premium	Randall Fuel Co.	do	960
Stanfil & Lena	Southern Coal & Coke Co.	do	300
Cornettsville Coal Co.	Logan & Kanawha Coal Co.	Run of mine	720

[F. R. Doc. 50-1204; Filed, Feb. 10, 1950; 8:47 a. m.]

[4th Sec. Application 24852]

PHOSPHORUS FROM VICTOR, FLA., TO MORRISVILLE, PA.

APPLICATION FOR RELIEF

FEBRUARY 8, 1950.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 981.

Commodities involved: Phosphorus, yellow, tank carloads.

From: Victor, Fla.

To: Morrisville, Pa.

Grounds for relief: Potential competition with water carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1200; Filed, Feb. 10, 1950; 8:45 a. m.]

[4th Sec. Application 24853]

IRON AND STEEL ARTICLES FROM STERLING AND ROCK FALLS, ILL., TO TWIN CITIES

APPLICATION FOR RELIEF

FEBRUARY 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. A-3513.

Commodities involved: Nails, staples, wire, barbed wire, wire fence, poultry netting, wire cloth and bale ties, carloads. From: Sterling and Rock Falls, Ill.

To: Minneapolis, Minnesota, Transfer and St. Paul, Minn.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1201; Filed, Feb. 10, 1950; 8:46 a. m.]

NOTICES

[4th Sec. Application 24854]

AMMONIUM SULPHATE FROM SOUTHWEST
TO SOUTH

APPLICATION FOR RELIEF

FEBRUARY 8, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Ammonium sulphate, fertilizer compounds and sewage sludge, carloads.

From: Points in the Southwest.

To: Points in the South.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3746, Supplement 44.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1202; Filed, Feb. 10, 1950;
8:46 a. m.]

[S. O. 844, Special Directive 24]

MONONGAHELA RAILWAY CO.

FURNISHING CARS FOR FUEL COAL FOR NEW
YORK CENTRAL RAILROAD CO.

On February 6, 1950, the New York Central Railroad Co. certified, through its proper officer, that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the Monongahela Railway Company is directed:

To furnish weekly to the individual mines listed in Appendix A or, where so indicated to groups of mines whose output is controlled by companies or corporations, sufficient cars suitable for the

transportation of the required number of tons of the type of coal described.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above named tonnage of locomotive fuel coal certified as necessary by the New York Central Railroad Company is supplied.

A copy of this special directive shall be served on the Monongahela Railway Company through the Car Service Division of the Association of American Rail-

roads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February A. D. 1950.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

APPENDIX A

Name of mine	Company	Grade	Average weekly tonnage
Arkwright	Pittsburgh Consolidation Coal Co.	Egg	1,680
Pursglove No. 8		do	1,740
Pursglove No. 15		do	1,560
Everettville	Eastern Gas & Fuel Association	do	1,440
Federal No. 1		do	1,920
Bunker		do	780
Byrne No. 2	Davis-Wilson Coal Co.	do	360
Martin No. 1 and No. 2		do	840
Brock-National		do	2,160
Moffit-Poland	Pittsburgh & Fairmont Co.	do	900
Morris		do	240
Dilliner		do	900

[F. R. Doc. 50-1205; Filed, Feb. 10, 1950; 8:47 a. m.]

[S. O. 844, Special Directive 25]

MONTOUR RAILROAD CO.

FURNISHING CARS FOR FUEL COAL FOR NEW
YORK CENTRAL RAILROAD CO.

On February 6, 1950, the New York Central Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the Montour Railroad Company is directed:

(1) To furnish weekly to the Champion #160 mine sufficient cars suitable for the loading and transportation of 4,920 tons of egg grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above named tonnage of locomotive fuel coal certified as necessary by the New York Central Railroad Company is supplied.

A copy of this special directive shall be served on the Montour Railroad Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February A. D. 1950.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-1206; Filed, Feb. 10, 1950;
8:47 a. m.]

[S. O. 844, Special Directive 26]

BALTIMORE AND OHIO RAILROAD CO.

FURNISHING CARS FOR FUEL COAL FOR NEW
YORK CENTRAL RAILROAD CO.

On February 6, 1950, the New York Central Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the Baltimore and Ohio Railroad Company is directed:

(1) To furnish weekly to the mines listed below sufficient cars suitable for the loading and transportation of locomotive fuel coal for the New York Central Railroad Company use in the grade and amounts shown:

Mine	Grade	Number of tons weekly
Yatesboro	Egg	420
Kent	do	180

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above named tonnage of locomotive fuel coal certified as necessary by New York Central Railroad is supplied.

A copy of this special directive shall be served on the Baltimore and Ohio Railroad Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February A. D. 1950.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-1207; Filed, Feb. 10, 1950;
8:47 a. m.]

[S. O. 844, Special Directive 27]

ST. LOUIS AND O'FALLON RAILWAY CO.

FURNISHING CARS FOR FUEL COAL FOR NEW
YORK CENTRAL RAILROAD CO.

On February 6, 1950, the New York Central Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the St. Louis and O'Fallon Railway Company is directed:

(1) To furnish weekly to the O'Fallon mine sufficient cars suitable for the loading and transportation of 960 tons of egg grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above named tonnage of locomotive fuel coal certified as necessary by the New York Central Railroad Company is supplied.

A copy of this special directive shall be served on the St. Louis and O'Fallon Railway Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February A. D. 1950.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-1208; Filed, Feb. 10, 1950;
8:48 a. m.]

[S. O. 844, Special Directive 28]

MINNEAPOLIS & ST. LOUIS RAILWAY CO.

FURNISHING CARS FOR FUEL COAL FOR NEW
YORK CENTRAL RAILROAD CO.

On February 6, 1950, the New York Central Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the Minneapolis & St. Louis Railway Company is directed:

(1) To furnish weekly to the Flamingo mine sufficient cars suitable for the loading and transportation of 180 tons of Egg grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above named tonnage of locomotive fuel coal certified as necessary by the New York Central Railroad Company is supplied.

A copy of this special directive shall be served on the Minneapolis & St. Louis Railway Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February A. D. 1950.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-1209; Filed, Feb. 10, 1950;
8:48 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5690]

WILLIAM E. MOORE AND HARRY J. RICKERT

ORDER APPOINTING TRIAL EXAMINER

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission.

It is ordered, That Webster Ballinger, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin at a time and place to be later designated by the trial examiner.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the

trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

Issued: January 31, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-1241; Filed, Feb. 10, 1950;
8:52 a. m.]

[Docket No. 5707]

ANETSBERGER BROS., INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER

In the matter of Anetsberger Bros., Inc., a corporation, Frank Anetsberger, Andrew M. Bornhofen, Leroy Schlickemaier, individually and as officers of said corporation, and Ben Silver, individually and as a director of said corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission.

It is ordered, That Webster Ballinger, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin at a time and place to be later designated by the trial examiner.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

Issued: January 31, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-1240; Filed, Feb. 10, 1950;
8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 P. R. 11981.

[Vesting Order 14316]

LOUIS A. MOLDENHAUER

In re: Estate of Louis A. Moldenhauer a/k/a Louis August Moldenhauer, deceased. File No. D-28-12773; E. T. sec. 16942.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathilde Wilhelmine Schroeder, Anni Adolfin Nimschewsky, Anni Mathilde Juppenlatz, Margot Heck, Karl August Blickmann, Adolf Moldenhauer and Rudolf Carl August Bückmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Adolf Moldenhauer and of Rudolf Carl August Bückmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Louis A. Moldenhauer, also known as Louis August Moldenhauer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Ben H. Brown, as Administrator, acting under the judicial supervision of the Superior Court of California, County of Los Angeles, Los Angeles, California;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Adolf Moldenhauer and of Rudolf Carl August Bückmann, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, admin-

istered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[P. R. Doc. 50-1236; Filed, Feb. 10, 1950; 8:51 a. m.]

[Return Order 548]

JOSEPH EDELBLUT MERTZWILLER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Joseph Edelblut Mertzwiller, Bas/Rhin, France; Claim No. 5573; November 18, 1949 (14 P. R. 7002); \$1,604.97 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[P. R. Doc. 50-1238; Filed, Feb. 10, 1950; 8:51 a. m.]

[Return Order 545]

ROBERT TADASHI ISHII

The claim referred to below was set down for hearing, and a decision thereon allowing a return of the property listed below was issued by the hearing examiner and is incorporated by reference herein and filed herewith. A review of the decision regarding the said property was denied by the Director of the Office of Alien Property on April 5, 1949, and the decision thereupon became final (8 CFR 502.22). The Director thereafter determined that a return of the property listed below would be in the national interest (P. R. Doc. 49-11; Filed, April 28, 1949). A determination regarding fees of attorneys was issued and is filed herewith.

It is ordered, That the claimed property, described below, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

Robert Tadashi Ishii, Santa Maria, Calif.; Claim No. 5383; April 30, 1949 (14 P. R. 2160); real property situated in the County of Santa Barbara, State of California, particularly described as: Lots 5 and 6 in Block 3 of Fesler's Addition, in the City of Santa Maria, County of Santa Barbara, State of California, according to the "Supplemental Plat," recorded December 20, 1886, in Book 1, page 43, of Maps and Surveys, in the Office of the County Recorder of said County. Lots 1, 2, 3, 4 and 5 in Block 3 of Curryer and Smith's Addition to the City of Santa Maria, in the County of Santa Barbara, State of California, according to the map on file in the Office of the County Recorder of said County. Lots 1 and 2 in Block 4 of Fairmead Addition, in the City of Santa Maria, County of Santa Barbara, State of California, according to the Amended Map thereof recorded January 18, 1923, in Book 15, page 14 of Maps, records of said County. Lots 4 of Grisinger and DeGaspari's Addition to the Town of Guadalupe, in the County of Santa Barbara, State of California, being a subdivision of portion of Lot 3 of Rancho Guadalupe, according to the map thereof recorded in Book 15, pages 136 and 137, of Maps, in the Office of the County Recorder of said County; together with all hereditaments, fixtures, improvements and appurtenances thereto; \$20,639.49 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[P. R. Doc. 50-1237; Filed, Feb. 10, 1950; 8:51 a. m.]

BERTHA FLESCHE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Bertha Flesch, 37 East 64th Street, New York, N. Y.; Joan H. Hartfield, 34-35 76th Street, Jackson Heights, New York, N. Y.; Friedrich Johann Flesch, Lucerne, Switzerland; Carl Franz Flesch, 167-168 Tottenham

Court Road, London, England; Claim No. 12063; \$5,221.42 in the Treasury of the United States to Bertha Flesch; \$1,185.85 to Bertha Flesch, Carl Franz Flesch, Joan H. Hartfield and Friedrich Johann Flesch, Bertha Flesch to have the use thereof for life and the remainder to go in equal shares to Carl Franz Flesch, Joan H. Hartfield and Friedrich Johann Flesch. Property to the extent owned by Carl Flesch immediately prior to

the vesting thereof, described in Vesting Order No. 1758 (9 F. R. 13773, November 17, 1944) relating to works listed as owned by Carl Flesch in Exhibit A of the vesting order, $\frac{3}{16}$ thereof to Bertha Flesch and the remaining $\frac{13}{16}$ thereof to Carl Franz Flesch, Joan H. Hartfield and Friedrich Johann Flesch, represented by his guardian, Rudolph Bohren, in equal shares, subject to the lifetime use of the property in Bertha Flesch.

Executed at Washington, D. C., on February 6, 1950.

For the Attorney General.

[SEAL]

HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-1239; Filed, Feb. 10, 1950;
8:52 a. m.]

